

**Questionnaire for Civil Society by the
UN Special Rapporteur on the situation of human rights defenders
Mary Lawlor, August 2020**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of killings of human rights defenders, which will be presented to the UN Human Rights Council in March 2021.

The questionnaire and related concept note on the report are available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations):

<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>.

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **5 October 2020**

Contact Details

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Type of Stakeholder (please select one)	<input checked="" type="checkbox"/> Civil Society Group or Organisation <input type="checkbox"/> Individual human rights defender <input type="checkbox"/> Academic/training or research institution <input type="checkbox"/> Other (please specify):
Name of Stakeholder/Organization (if applicable)	The Institute for Justice & Democracy in Haiti (IJDH) and the <i>Bureau des Avocats Internationaux</i> (BAI) (as U.S. and Haiti partner organizations)
Name of Survey Respondent	Alexandra V. Filippova, Senior Staff Attorney, IJDH
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Can we attribute responses to this questionnaire to you or your organization publicly?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comments (if any):

Questions

Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

1) Have you, any of your colleagues or your organization received online/offline threats and attacks since 1 January 2019 up 30 June 2020?

Yes. Mr. Job Gene, a lawyer with the BAI, IJDH's sister organization in Haiti, was the subject of an assassination attempt and subsequent death threat early this year.

2) If yes, can you please detail and in the case of Facebook preferably provide screenshot with URL?

On the evening of January 19, 2020 or early morning of January 20, a number of heavily armed unidentified individuals circled Mr. Gene's home and shot at and into the residence. Those individuals also broke windows and attempted to break the iron bars on the windows in an apparent effort to enter Mr. Gene's home. Thankfully, Mr. Gene was physically unharmed. An official report was immediately filed and a Justice of the Peace conducted an on-site visit the next day (we include a copy of the report with this submission as Attachment 1). The official report of the on-site visit found damage to one of the doors and the wrought iron bars, as well as a cartridge case on the ground below one of the windows. In spite of notifying the police, just days later, on January 27, Mr. Gene found an anonymous threat outside of his home, which warned him that if he persisted in his work, he was asking for trouble.

Mr. Gene is a senior lawyer with the BAI, whose mission is to defend the rights of the most vulnerable in Haiti, and currently works in the small regional town of Mirebalais

in the Central Department of Haiti, approximately 60 km from Haiti's capital. Like other BAI attorneys, Mr. Gene provides legal assistance to victims of human rights abuses and violations of constitutional law. Over the past 18-24 months, this has increasingly included individuals facing political repression by the current administration. At the time of the attack, among his other sensitive cases, Mr. Gene was representing the widow of journalist Néhémie Joseph in seeking justice for the death of her husband, who was assassinated after receiving threats in connection with his reporting on public demonstrations calling for the resignation of President Moïse.¹ Mr. Joseph was one of at least six journalists who were attacked between June and October 2019.² BAI believes – and all the evidence indicates – that Mr. Gene was threatened due to his work as a human rights defender. For example, the attack of January 19 happened the day after Radio Mega reported that two people were arrested in connection with the murder of Mr. Joseph and that one suspect reportedly confessed to being hired by a senator.³ IJDH, the BAI, and Mr. Gene feel that the threat to his life remains serious. As discussed in our next response, that threat reflects Haiti's general context of increasing insecurity and violence, marked by threats and attacks against journalists, human rights defenders, activists, and citizens who publicly express views critical of the government.

3) Did any of these threats/attacks escalate into killings - can you please chart the path as you see it?

No. However, IJDH and the BAI are concerned that given rising insecurity in Haiti, including especially credible reporting of government complicity in violence against political opposition and human rights defenders, along with pervasive impunity for such conduct, the risk to Mr. Gene and other attorneys with the BAI remains high. We include below excerpts from our forthcoming update for March through September of 2020 regarding the most concerning recent events; these continue

¹ *Radio Panic FM journalist found dead in Haiti following threats*, Committee to Protect Journalists (Oct. 11, 2019), <https://cpj.org/2019/10/radio-panic-fm-journalist-found-dead-in-haiti-foll/> (documenting threats received by Joseph prior to his killing); *Néhémie Joseph*, Committee to Protect Journalists (last updated Aug. 2020), <https://cpj.org/data/people/nehemie-joseph/>; see also, e.g., Dánica Coto, *Thousands of protesters in Haiti loot stores, battle police*, The Associated Press (Oct. 11, 2019), <https://apnews.com/article/a3eb42c59a524946a955e65814ccf688>.

² *Haiti - Sécurité : Le journaliste Rospide Pétrion assassiné*, HaitiLibre (June 12, 2019), <https://www.HaitiLibre.com/article-27967-haiti-securite-le-journaliste-rospide-petion-assassine.html> (reporting that the assassination of RSF journalist Rospide Pétrion was linked to his outlet's investigation of the PetroCaribe corruption scandal implicating government officials); Jacqueline Charles, *Haiti at a standstill as street clashes continue over demands for president's ouster*, Miami Herald (June 10, 2019), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article231393513.html>; Gesner Jean Marie, Press Release, *ASHAPS consternée par cette cascade de violences contre la presse*, Connection Info News (June 14, 2019), <https://connectioninfonews.com/ashaps-consternee-par-cette-cascade-de-violences-contre-la-presse/>; *Journalist Luckson Saint-Vil survives shooting attack in southern Haiti*, Committee to Protect Journalists (Aug. 13, 2019), <https://cpj.org/2019/08/journalist-luckson-saint-vil-survives-shooting-att.php>.

³ *Arrestation de 2 suspects dans l'assassinat du Journaliste Néhémie Joseph*, Radio Télévision Caraïbes (Jan. 18, 2020), <https://www.domtomnews.com/haiti-rd-arrestation-de-2-suspects-dans-lassassinat-du-journaliste-nehemie-joseph/>.

trends from earlier in the reporting period, which are examined in our prior publications.⁴

- *Monferrier Dorval, the head of the Port-au-Prince Bar Association and a leading constitutional scholar, was assassinated in his home in August 2020, shortly after making public comments opposed to the current administration's use of decrees and its extraconstitutional effort to organize elections.⁵ Mr. Dorval's assassination is just one of many in a dramatic rise of killings throughout 2020.⁶*
- *Human rights observers have implicated police officers and state officials in the numerous, coordinated attacks against marginalized communities in 2020 and report that gang violence is being deployed as a tool of political repression at the behest of the current government.⁷ In June 2020, the Secretary General took note of how impunity for the 2019 Bel Air Massacre, the 2018 La Saline Massacre, and the 2017 Grand Ravine Massacre was "creating an enabling environment for further violence."⁸ Senior government officials directly implicated in the massacres over the last three years remain free, and some still hold official roles in the administration.⁹*

⁴ Human Rights and Rule of Law in Haiti: Key Recent Developments (Feb. 2020), <http://www.ijdh.org/2020/02/projects/human-rights-and-rule-of-law-in-haiti-key-recent-developments/>; *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis* (May 2019), <http://www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf>.

⁵ Jacqueline Charles, *Haitian lawyer, constitutional expert gunned down hours after controversial radio interview*, Miami Herald (Aug. 29, 2020), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article245352670.html>; Samuel Celiné, *Réactions après l'assassinat de Monferrier Dorval*, AyiboPost (Sept. 3, 2020), <https://ayibopost.com/reactions-apres-lassassinat-de-monferrier-dorval/>; Anne Verdaguer, *Haiti: colère après l'assassinat du bâtonnier du barreau de Port-au-Prince*, RFI (Sept. 2, 2020), <https://www.rfi.fr/fr/podcasts/20200902-info-haiti-assassinat-batonnier-barreau-port-prince>.

⁶ Roberson Alphonse, *Métastase des gangs et dessous politiques de leurs carnages...*, Le Nouvelliste (May 29, 2020), <https://lenouvelliste.com/article/216762/metastase-des-gangs-et-dessous-politiques-de-leurs-carnages>; Roberson Alphonse, *Un bébé de 8 mois tué par balle à Cité Soleil dans la guerre pour contrôler ce territoire*, Le Nouvelliste (July 13, 2020), <https://lenouvelliste.com/article/218478/un-bebe-de-8-mois-tue-par-balle-a-cite-soleil-dans-la-guerre-pour-controler-ce-territoire>; Roberson Alphonse, *Assassinats spectaculaires et nouveau mode opératoire des ravisseurs*, Le Nouvelliste (Sept. 28, 2020), <https://lenouvelliste.com/article/221408/assassinats-spectaculaires-et-nouveau-mode-operatoire-des-ravisseurs>.

⁷ RNDDH, *Attacks on deprived neighborhoods*, para. 98; RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids*, paras. 107, 108, 110; FJKL, *Terreur dans les quartiers populaires / Pont Rouge au cœur d'une stratégie électorale macabre : La Fondasyon Je Klere (FJKL) tire la sonnette d'alarme*, paras. 36, 37, 40, 42, 43 (June 22, 2020) https://fjkl.org.ht/images/doc/FJKL_Situation_de_terreur_au_pont_rouge.pdf; Press Release, FJKL, *Violence aveugle en Haïti n'épargnant pas des bébés et des femmes enceintes : La FJKL condamne la banalisation du droit à la vie et l'installation d'une culture d'impunité dans le pays* (Aug. 7, 2020), <https://www.fjkl.org.ht/note-de-presse/violence-aveugle-en-haiti-n-epargnant-pas-des-bebes-et-des-femmes-enceintes-la-fjkl-condamne-la-banalisation-du-droit-a-la-vie-et-l-installation-d-une-culture-d-impunite-dans-le-pays>; *Statement by Mr. Jacques to the UN Security Council, Le Bureau des Droits Humains en Haïti*, paras. 2-4 (June 19, 2020), available at <https://bdh Haiti.org/archives/495>.

⁸ U.N. Secretary General, *Report of the Secretary-General on the United Nations Integrated Office in Haiti*, U.N. Doc. S/2020/537, para. 56 (Jun. 15, 2020), <https://undocs.org/en/S/2020/537>.

⁹ Snyder Pierre Louis, *Qui sont ces officiels de l'administration de Jovenel Moïse accusés dans les massacres de la Saline?* AyiboPost (Dec. 23, 2019), <https://ayibopost.com/qui-sont-ces-officiels-de-ladministration-de-jovenel-moise-accuses-dans-les-massacres-de-la-saline/>.

- *In June and July 2020, the Haitian National Police (HNP) used violence to disperse people assembled to protest corruption and insecurity, deploying tear gas and live rounds in targeted attacks by the state meant to discourage social movements for government accountability.¹⁰ In May 2020, HNP used tear gas, water cannons, and shot live rounds in response to civilian assemblies protesting the Moïse administration.¹¹*
- *A prominent political activist in Gonaïves, Ti Tcho, known for opposition to the current administration, was killed in June 2020.¹²*
- *Though investigations into the motive are ongoing, on August 28, 2020, radio journalist Frantz Adrien Bony was killed after leaving a gathering of colleagues.¹³*
- *On June 7, 2020, police struck two Haitian journalists in the head with tear gas canisters while the journalists were covering a demonstration against the administration's corruption.¹⁴*
- *In April 2020, unknown assailants attacked a group of journalists investigating whether the National Identification Card office was violating Covid-19 protocols, and journalist*

¹⁰ Ricardo Lambert, *L'OPC dénonce auprès du Premier ministre les récents cas de violation des droits humains*, Le Nouvelliste (July 16, 2020), <https://lenouvelliste.com/article/218676/lopc-denonce-aupres-du-premier-ministre-les-recents-cas-de-violation-des-droits-humains>; Press Release, RNDDH, *Dispersal of a sit-in before the Ministry of Justice and Public Security: The RNDDH condemns the abusive use of force by the agents of the PNH* (June 29, 2020), <https://web.rnddh.org/wp-content/uploads/2020/07/4-CP-Dispersal-of-a-sit-in-29Jun20.pdf>; *Haïti-Droits humains : Un sit-in contre les crimes organisés et contre la corruption, violemment dispersé par la police*, AlterPresse (June 29, 2020), <https://www.alterpresse.org/spip.php?article25856#.X3H4w2hKiM9>; AFP, *Haiti police break up demo protesting worsening crime*, France24 (July 6, 2020), <https://www.france24.com/en/20200706-haiti-police-break-up-demo-protesting-worsening-crime?ref=tw>; *Haïti-Droits humains : Nouvelle dispersion violente, ce 6 juillet 2020, d'un deuxième rassemblement contre la criminalité, l'impunité et la corruption*, AlterPresse (July 6, 2020), <https://www.alterpresse.org/spip.php?article25882#.XwPkgpNKjOQ>; *Droits humains : Plusieurs organisations soupçonnent le directeur général ad intérim de la Police nationale d'Haïti, Rameau Normil, de « favoriser les oppresseurs, criminels et bourreaux »*, AlterPresse (July 20, 2020), <https://www.alterpresse.org/spip.php?article25922#.X3H5aWhKiM->.

¹¹ *Haïti-Politique : Plusieurs militants politiques arrêtés, lors de la manifestation anti-gouvernementale du lundi 18 mai 2020*, AlterPresse, (May 19, 2020), <https://www.alterpresse.org/spip.php?article25656#.XsVXPGhKiM8>.

¹² Jodherson Cadet, *Gonaïves : vent de panique suite à la mort d'un membre influent de l'opposition*, Le Nouvelliste (June 17, 2020), <https://lenouvelliste.com/article/217382/gonaives-vent-de-panique-suite-a-la-mort-dun-membre-influent-de-lopposition>.

¹³ Sandra Lemaire, *Killing of Port-au-Prince Bar Association Chief Roils Haiti*, VOA News (Sept. 11, 2020), <https://www.voanews.com/americas/killing-port-au-prince-bar-association-chief-roils-haiti>; *Frantz Adrien Bony, jeune animateur à radio Caraïbes, tué par balle*, Le Nouvelliste (Aug. 28, 2020), <https://lenouvelliste.com/article/220361/frantz-adrien-bony-jeune-nimateur-a-radio-caraibes-tue-par-balle>.

¹⁴ Associated Press Television News, *Clashes At Haiti Police Protest, Demos Continue* (June 8, 2020), <https://www.republicworld.com/world-news/rest-of-the-world-news/clashes-at-haiti-police-protest-demos-continue.html>.

*Georges Emmanuel Allen of Radio-Television Caribbean was beaten by police while reporting.*¹⁵

- *In February 2020, the Committee to Protect Journalists (CPJ) wrote to the Haitian government to express their concern about attacks and arson on a radio station.*¹⁶

4) Have any of your colleagues been killed since 1 January 2019 up to 30 June 2020?

No.

5) If so in what context did the killing(s) occur? Have there been any convictions for the killing(s)?

N/A

6) Do you normally report death threats? If so, where?

Yes, as can be seen from Mr. Gene's example, the BAI and IJDH report threats and attacks to local police. We also share information with other human rights organizations, regional and international human rights bodies, influential government representatives like the U.S. ambassador, and the general public, all with the goal of publicizing the threat and generating public attention and pressure on the Haitian government to ensure the safety of human rights defenders. For example, IJDH and the BAI have sought precautionary measures from the Inter-American Human Rights Commission¹⁷ and have requested support from the U.S. government in ensuring that human rights defenders are released when improperly detained, freed from government harassment, and protected from other abuse.¹⁸

7) What in your/Organization's experience has worked well to respond to death threats? And to prevent them from escalating into the actual killing(s) of human rights defenders?

In the experience of IJDH and the BAI, public scrutiny, as well as attention and pressure from the international human rights community, are among the few means

¹⁵ *Journalists assaulted while covering COVID-19 measures in Haiti*, Committee to Protect Journalists (Apr. 9, 2020), <https://cpj.org/2020/04/journalists-assaulted-while-covering-covid-19-meas.php>; *Haiti/Covid-19 : Des associations de médias et de journalistes exigent des sanctions contre les policiers agresseurs du journaliste Georges Emmanuel Allen*, Alterpresse (April 30, 2020), <https://www.alterpresse.org/spip.php?article25559#.X3XgYBSSmM9>.

¹⁶ *Haitian outlet Radio Télévision Caraïbes targeted with arson attack during police protest*, Committee to Protect Journalists (Feb. 26, 2020), <https://cpj.org/2020/02/haitian-radio-outlet-radio-television-caraibes-tar.php>.

¹⁷ For example, precautionary measures were granted for Mr. Mario Joseph, the Managing Attorney of the BAI and two other attorneys. IACHR, Letter (Oct. 19, 2012), available at <http://www.ijdh.org/wp-content/uploads/2012/10/Cautionary-measures-mario-joseph-REVISEDFrench.pdf>.

¹⁸ For example, IJDH and the BAI worked with a coalition of partners to request such support following threats made against Attorney Patrice Florvilus, who was targeted for his work as a human rights defender. See IJDH, the BAI et al., Letter to U.S. Ambassador to Haiti (Sept. 25, 2013), appended as Attachment 2.

by which vulnerable human rights defenders may be protected from threats escalating to actual harms. (See also discussion in response no. 6 above). Specifically, pressure on Haitian government officials can force them to offer meaningful protections to human rights defenders or to halt harmful conduct and seek accountability in the event of past abuses. Similarly, public awareness of threats to Haiti's human rights defenders can serve to discourage unlawful conduct that might take place absent such scrutiny. Formal actions like the granting of precautionary measures by the Inter-American Human Rights Commission can be particularly effective.