

August 23, 2011

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United Nations Secretary General
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RE: Letter in Support of Immediate Moratorium on Evictions of Internally Displaced Persons in Haiti

Dear Secretary General Ban Ki Moon, Madam High Commissioner Navanethem Pillay, Humanitarian Coordinator Nigel Fisher, and Special Expert Michel Forst,

We, the undersigned lawyers, law professors, and human rights advocates, are writing to express our great alarm at the escalation of forced evictions of displaced families and individuals living in informal settlements in Haiti. We urge you to immediately engage with the office of President Michel Martelly to publicly denounce these forced evictions and declare a moratorium on all evictions of Internally Displaced Persons (IDP) from their camps. The moratorium must be communicated to the Haitian National Police and local mayors and maintained until the Government of Haiti (GOH) is able to adequately re-house all of its displaced population, consistent with Haiti's obligations under international law.

Forced evictions in Haiti represent an extremely urgent and intensifying threat to Haiti's displaced.¹ Starting at the end of May 2011, the Mayor of the Port-au-Prince suburb of Delmas escalated an illegal and violent campaign to forcibly evict IDP camps.² Since then, lawyers, journalists, and the residents of camps themselves have documented an exponential increase in the number of camps under attack.

¹ See Letter, Institute for Justice and Democracy in Haiti, Update to Inter-American Commission on Human Rights (IACHR) on Forced Evictions (June 15, 2011) available at <http://ijdh.org/archives/19215>.

² Trenton Daniel, *Camps Cleared in Haiti as Hurricane Season Starts* ASSOCIATED PRESS, May 31, 2011 available at http://seattletimes.nwsourc.com/html/nationworld/2015196258_apcbhaitistormseason.html.

For example, the *Bureau des Avocats Internationaux* (BAI), a Haitian public interest law firm, reports that where in the past it might have responded to several threats of forced eviction per month, starting in the beginning in June it was responding to several threats of evictions per week, and since last week, has been responding to several per day.

Forced evictions are often carried out with brutal violence.³ Armed groups and uniformed members of the Haitian National Police, frequently in the pay of local mayors or private actors, have assaulted camp residents with boots, batons, bullets, and in the case of one camp, homemade firebombs. However, purported private landowners are seldom, if ever, able to demonstrate legal title to the land in question and have shown little interest or ability to conduct evictions in compliance with Haitian law.

This must stop. Private and government actors in Haiti must respect the law governing evictions. Haitian law tightly circumscribes the manner in which evictions of real property occupants may be carried out: through judicial or executive order, depending on whether the party seeking the eviction is a private actor or the government. Evictions that take place without a judicial or executive order or the voluntary consent of the occupants are unlawful and considered “forced evictions” under international law. Further, according to the United Nations Guiding Principles on Internal Displacement, even lawful evictions of persons may only occur after all feasible alternatives have been explored; under satisfactory conditions of shelter, hygiene, health, safety and nutrition; and with the population’s consultation in their relocation. This right to adequate housing is recognized in Article 22 of the Haitian Constitution itself—a right the GOH must honor by assisting those living in camps and informal settlements to find adequate housing before permitting their eviction.

Without a comprehensive housing plan in place, forced evictions lead inexorably to other, still more serious violations of victims’ human rights. The gravity of this looming ‘second displacement crisis’ led the Inter-American Commission on Human Rights to issue precautionary measures directing the GOH to end all evictions until a re-housing plan is in place.⁴ Lacking any meaningful re-housing assistance, evicted camp residents are left bereft of options, forced to choose between shifting to other camps, taking shelter on precarious hillsides or ravines, living in the street, or moving back into the same unsound, earthquake-damaged houses they had originally fled. 54,314 of these re-inhabited houses “may collapse at any moment” and 101,499 are expected to “collapse in heavy wind or foul weather,”⁵ placing residents in even greater danger than if they had remained in the camps.

Paying victims to leave camps does not change their evictions’ illegal and coercive nature. Such “compensated” displacements still occur under open threat of violence, are manifestly inadequate to provide alternative housing, and do not amount to durable solutions to displacement, required by the Guiding Principles on Internal Displacement.

These extrajudicial and violent acts constitute an intolerable violation of Haitian citizens’ most basic rights, and demand a swift and unambiguous response from the international community. As the

³ See note 1.

⁴ Precautionary Measures, Forced Evictions from Five Camps for Displaced Persons, Haiti, PM 367-10 (2010) available at <http://www.cidh.oas.org/medidas/2010.eng.htm>.

⁵ Trenton Daniel, *Many leaving Haiti’s earthquake settlement camps*, ASSOCIATED PRESS (Apr. 1, 2011) available at <http://www.cbsnews.com/stories/2011/04/01/ap/latinamerica/main20049774.shtml>; TIM SCHWARTZ ET AL., BUILDING ASSESSMENTS AND RUBBLE REMOVAL IN QUAKE-AFFECTED NEIGHBORHOODS IN HAITI.

Secretary-General of the United Nations, the High Commissioner on Human Rights, the Coordinator of Humanitarian Affairs, and the Independent Expert on situation of human rights in Haiti, each of your offices has a singular and critically important mandate to ensure that the Government of Haiti respects the human rights norms agreed upon by the international community to protect displaced populations. The Office of the High Commissioner on Human Rights' condemnation of the recent eviction at the Sylvio Cator Stadium⁶ is critical, but further action is required to halt *all* evictions of displaced, homeless Haitians citizens until they have access to adequate housing.

We therefore urge you to take swift and decisive action with the Martelly government to denounce the forced evictions that have taken place, announce and enforce a nation-wide moratorium on evictions, and maintain that moratorium until a comprehensive plan is developed and implemented that provides access to adequate housing to all those rendered homeless by the January 12, 2010 earthquake.

Thank you for your attention to this urgent matter.

Sincerely,

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Director
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⁶ *UN human rights officials voice concern at closure of displaced camp in Haitian capital*, UN NEWS SERVICE, July 21, 2011 available at <http://www.un.org/apps/news/story.asp?NewsID=39115&Cr=haiti&Cr1>.

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