
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 74/2021**

Precautionary Measure No. 1175-20
Camille Occius and family regarding Haiti
September 4, 2021
Original: English

I. INTRODUCTION

1. On December 25, 2020, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Lawyers Without Borders Canada (“the applicants”), urging the Commission to request that the State of Haiti (“the State” or “Haiti”) adopt the necessary measures to protect the rights to life and personal integrity of Camille Occius (“the proposed beneficiary” or “Mr. Occius”) and his nuclear family¹. According to the request, the proposed beneficiary finds himself in a situation of risk given acts of violence being committed against him due to his work as a human rights defender in Haiti.

2. Pursuant to Article 25.5 of its Rules of Procedure, the IACHR requested information from the State and the applicants on January 11, 2021. On February 2, the IACHR reiterated its request for information to the State, however, as of the date of publication of the present resolution, the State has not responded to the Commission’s request. For their part, the applicants submitted additional information on January 19, June 1 and July 6, 2021.

3. Having analyzed the submissions of fact and law presented by the applicants, the Commission considers that the information submitted demonstrates prima facie that there is a serious and urgent risk of irreparable harm to Mr. Occius’ rights to life and personal integrity in accordance with Article 25 of its Rules of Procedure. Consequently, the Commission requests that Haiti: a) adopt the necessary measures to protect the rights to life and personal integrity of Camille Occius and his family. To this end, the State must ensure that its agents respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law; b) adopt the necessary measures to ensure that Camille Occius can carry out his activities as a human rights defender without being subjected to acts of violence and harassment in the course of his work; c) agree upon the measures to be adopted with the beneficiaries and their representatives; and, d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution with the aim of preventing their reoccurrence.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicants

4. Camille Occius is a human rights defender and coordinator of the *Organisation des Citoyens pour une Nouvelle Haïti* (“Citizen’s Organization for a New Haiti” – OCNH)². As part of his functions as coordinator of the OCNH, the proposed beneficiary works on sensitive and emblematic cases which involve State representatives, members of the country’s economic elite, as well as foreign companies.

5. In this sense, the OCNH and proposed beneficiary have been actively involved in the DERMALOG case for several months, having repeatedly denounced publicly and before the courts what the organization

¹ The proposed beneficiary’s family is comprised of his wife and 2-year-old daughter.

² According to the applicants, the OCNH is a civil society organization dedicated to the fight against corruption and impunity in Haiti.

describes as irregularities surrounding the awarding of the contract between the Haitian State and the German company DERMALOG for the production of new national identification cards ("*carte d'identification nationale unique*" – CINU). According to civil society organizations, the contract purportedly did not follow the usual procurement process, while the law allowing for the replacement of the current national identification cards with the CINU has not yet been approved by Parliament. As part of this case, Mr. Occius is the public face representing the OCNH before State authorities, speaking in the media, and signing his name to press releases and documents sent to State authorities.

6. On June 10, 2020, the OCNH filed a complaint with the Investigating Office of the Court of First Instance in Port-au-Prince against the "signatories and sponsors" of the contract between DERMALOG and the Haitian State for, among other things, the "use of forgeries and criminal conspiracy". On July 15, the OCNH filed a supplemental request in the case. The following day, July 16, the proposed beneficiary received a voice message from an unidentified individual threatening him, which said: "*Camille, you are going to pose anyway*".

7. Subsequently, at around 2:30 p.m. on July 27, 2020, two motorcyclists (*motards*), whose identities remain unknown, showed up at the OCNH's office in Port-au-Prince asking to speak with the proposed beneficiary. However, Mr. Occius was not in the office at the time and the individuals left the premises. A few days later, on July 30, after dusk, a man approached the gate of Mr. Occius' private residence and knocked on the iron door, demanding to speak with the proposed beneficiary. Given the late hour and the fact that Mr. Occius does not normally receive visits at nighttime, his housekeeper, Ms. Joseph, refused to open the door. According to the applicants, the proposed beneficiary found this incident disturbing, and he advised Ms. Joseph to, in the future, only open the gate to himself and his wife after they had clearly identified themselves.

8. The next morning, July 31, 2020, OCNH employees found the organization's office vandalized. According to the applicants, equipment and files were damaged, and several computers were stolen. A complaint was filed before the Court of Peace of the Delmas commune. Subsequently, a justice of the peace arrived at the scene to document the incident, noting that the lock of the office's door had been broken and that three computers had been damaged. The proposed beneficiary and other members of the OCNH considered this incident as a threat intended to discourage them from continuing their human rights defense work. Nevertheless, the applicants indicated that Mr. Occius and the other members of the OCNH continued to carry out their human rights defence work, and to make their voices heard on cases of corruption and impunity, including the DERMALOG matter. In this sense, on October 13, 2020, the OCNH sent a request for information signed by Mr. Occius to the Court of First Instance, requesting information about the status of the complaint filed on June 10, 2020 in the DERMALOG case.

9. The applicants informed that the intimidation and harassment campaign against the proposed beneficiary has worsened with time. In this regard, around noon on November 30, 2020, hooded individuals arrived at the gate of Mr. Occius' private residence. He, his wife and daughter were not home at the time. His housekeeper, Ms. Joseph, asked one of the unknown individuals why they were there, to which he responded by showing a picture of Mr. Occius on his cellphone. Ms. Joseph replied that she did not know the person in the picture and that she was not expecting anyone at the house. However, the man who had shown the picture forcefully pushed open the gate at which time three hooded individuals got out of a black car and entered the compound. One individual searched Mr. Occius' bedroom, looking for files and other undetermined belongings, while another searched the rest of the house. A third member of the group remained outside, while the fourth individual told Ms. Joseph that she had to follow them. However, the other responded that "*she was not the target and therefore, it was not necessary*".³ During the incident, the assailants found a photograph of Mr. Occius and his wife, and took a picture of it with a cellphone.

³ Translated from Creole from the statement given by Ms. Joseph to the Pétion-ville Justice of the Peace: "[...] gen youn ki di fòk yo ta ale avèm, gen youn ki di se pa avèm yo annafè, yo pa ale ak anyen, Yo sèlman vire kay la tèt anba".

10. After the assailants left, Ms. Joseph called the proposed beneficiary to inform him of what had happened. Mr. Occius decided not to return home until a justice of the peace had assessed his home. He also went to the Central Directorate of the Judicial Police ("*Direction centrale de la police judiciaire*" – DCPJ) on November 30, 2020, to file a complaint. The proposed beneficiary was referred to the Pétion-ville Police Station where he went on December 7 and filed a complaint with the investigations department. In addition, the next day, December 8, he filed a complaint for "death threats and criminal conspiracy" against the unknown individuals who had broken into his house with the investigating judge of the Port-au-Prince Court of First Instance.

11. Further, on December 1, 2020, a group of seven civil society organizations published a press release requesting that the State provide Mr. Occius with protection measures⁴. The following day the Ombudsperson of Haiti (*Protecteur du Citoyen d'Haïti*) published a similar press release demanding that a diligent investigation be carried out into the attack on the proposed beneficiary's home.

12. Following the attack on his residence, the proposed beneficiary and his family decided to leave their home out of fear that they would be attacked again in the future and that Mr. Occius was at risk of being assassinated. According to the applicants, for security reasons, Mr. Occius is currently staying in a hidden location, apart from his wife and daughter who are staying somewhere else. The applicants further stressed that the incidents have had profound physical and psychological effects on the proposed beneficiary, his wife and daughter. Ms. Occius has trouble sleeping, psychological distress, headaches and diarrhea caused by anxiety. She fears for her life and that of her husband. In this sense, in order to avoid being exposed to any attempt on her life, Ms. Occius has drastically limited her movements and can no longer go to the school where she works, which has greatly affected her family, personal and professional life. Mr. Occius' two-year-old daughter has also been physically and emotionally affected by the situation. She no longer goes to the nursery and is separated from her father. Mr. Occius fear for his life and that of his family. Further, the applicants stressed that professionally, his work as coordinator of the OCNH has been gravely affected. From November 30 to December 14, 2020, he avoided media appearances and has not returned to participating in in person activities. The applicants informed that, while the proposed beneficiary would normally travel to the field to supervise and participate in advocacy, monitoring and training activities, he is now limited to working from the secret location where he is staying.

13. In January 2021, following a post by Mr. Occius on Facebook stating that he would continue his work as a human rights defender, he received death threats over social media. Subsequently, on April 29, the proposed beneficiary was followed by an unknown individual on motorcycle to the place where he is currently in hiding.

14. Most recently, on June 29, 2021, the vehicle in which Mr. Occius was travelling with members of other civil society organizations was attacked. The applicants informed that the proposed beneficiary had been invited to participate in an activity organized by the Peasant Animation and Community Action Centre ("*Centre d'Animation Paysanne et d'Action Communautaire*" – CAPAC)⁵ in the city of Cap-Haïtien in the North department of Haiti. As part of this activity, Mr. Occius, along with members of CAPAC and guests invited from other civil society organizations, used a vehicle provided by CAPAC to travel to the event. At around 3:00 p.m., the vehicle was attacked by unknown armed individuals near Carrefour Ménard, in the Grande Rivière du Nord sector. The passengers heard gunshots, before stones were thrown at the vehicle and one of the rear windows was smashed. During the attack, one of the CAPAC members suffered a head injury, for which he required medical attention. According to Mr. Occius, this was a targeted attack, considering that the CAPAC logo was on the

⁴ Alter Presse. "[Haiti Justice and Corruption: 7 civil society organizations denounce an armed attack on November 30, 2020, against the residence of human rights defender Camille Occius](#)". December 2, 2020. [Available in French].

⁵ According to the applicants, CAPAC is an organization that works for peace and sustainable development in Haiti.

vehicle, and that the vehicles preceding and following them on the road were not attacked. The applicants stressed the psychological impacts that this attack has had on the proposed beneficiary and his family.

15. The applicants informed that, despite the complaints lodged by Mr. Occius, the competent authorities have not taken any action. The authorities have not contacted the proposed beneficiary to follow up with him nor to inform him of any developments in the investigations regarding the complaints he has made. Additionally, the State has not offered him protection measures. According to the applicants, the proposed beneficiary's attempts to inquire about the status of his complaints have been met with silence from the authorities. In this sense, on January 18, 2021, Mr. Occius presented a written request for information to the Pétion-ville Police Station. However, the agents present at the station refused to accept the request, warning the proposed beneficiary to "proceed with caution" and informing him that the investigative file had been transferred to the Pernier Police Station. The applicants indicated that this trip to the police station was one of few times that Mr. Occius has left the place where he has been in hiding since November 2020.

16. Further, the applicants informed that, on February 5, 2021, the United Nations Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Right to Peaceful Assembly and Freedom of Association, the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, and the Working Group on Discrimination against Women and Girls, expressed their concerns regarding the situation of Mr. Occius and three other human rights defenders in Haiti in a communication addressed to the Haitian State⁶.

17. Additionally, the applicants stressed the importance of analyzing the present request for precautionary measures in light of the current context in Haiti, particularly considering increased violence and kidnappings in recent months, compounded by high levels of impunity for human rights violations committed by State agents. In this sense, the applicants stated that, since the beginning of 2020, a generalized insecurity has been rampant throughout the country, particularly the Port-au-Prince metropolitan area. In this sense, they referred to a press release issued by the United Nations Integrated Office in Haiti on August, 12, 2020, which reported "an intolerable level of violence" in the country.⁷ Further, according to the Episcopal Commission for Justice and Peace ("*Commission épiscopale justice et paix*" – CE-JILAP), at least 243 people were violently killed from January to June 2020 in the Port-au-Prince area. The applicants further stated that human rights defenders and other key actors in the fight against impunity have been targeted and killed, making reference to Monferrier Dorval, President of the Port-au-Prince Bar Association, who was assassinated in his home on August 28, 2020; Justice of the Peace Antoine Luccius who was murdered in January 2020; Government Commissioner Fritz Gérald Cerisier who was killed on June 19, 2020; the assassinations of activist Antoinette Duclair and journalist Diego Charles on June 29, 2021; and, the armed attack committed against the office of the National Human Rights Defense Network ("*Réseau National de Défense des Droits Humains*" – RNDDH). The applicants also referenced statements made by the Minister of Justice and Public Security in December 2020 accusing human rights organizations of being "tools of disruption"⁸.

B. Information provided by the State

⁶ OHCHR, Mandates of the United Nations Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Right to Peaceful Assembly and Freedom of Association, the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, and the Working Group on Discrimination against Women and Girls, AL HTI 1/2021, February 5, 2021. [Available in French].

⁷ United Nations Integrated Office in Haiti, The BINUH concerned about the increase in gang violence resulting in serious human rights violations, August, 12, 2020. [Available in French].

⁸ Le Nouvelliste, "The Minister of Justice accuses human rights organizations of being 'tools of disruption'". December 14, 2020. [Available in French].

18. The Commission requested information from the State on January 11, 2021, reiterating this request on February 2. To date, the State has not responded to the IACHR's request.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY AND IRREPARABILITY

19. The precautionary measures mechanism is part of the Commission's functions of overseeing Member States' compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"). These general functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the Rules of Procedure, by which the Commission grants precautionary measures in serious and urgent situations, where such measures are necessary to prevent irreparable harm.

20. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual character, one protective and the other precautionary.⁹ Regarding the protective character, these measures seek to avoid irreparable harm and preserve the exercise of human rights.¹⁰ To this end, an assessment must be made of the problem posed, the effectiveness of the State's actions to address the situation described and the degree of unprotection in which the persons for whom the measures are being requested would be left if they are not adopted.¹¹ With respect to their precautionary character, the purpose of precautionary measures is to preserve a legal situation while it is under the consideration of the IACHR. The precautionary character aims at safeguarding the rights at risk until the request pending before the inter-American system is resolved. Its object and purpose is to ensure the integrity and effectiveness of an eventual decision on the merits and in this way, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State in question to comply with the final decision and, if necessary, to implement the reparations ordered.¹² For the purposes of making a decision and in accordance with Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. "Serious situation" refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the Inter-American System;

⁹ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

¹⁰ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

¹¹ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

¹² See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of "El Nacional" and "Así es la Noticia" newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23 [only in Spanish]; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- b. “Urgent situation” is determined by means of the information provided and refers to risk of threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and,
- c. “Irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

21. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. Rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.¹³

22. In addition, in the present case, the Commission observes that the alleged situation of risk faced by Mr. Occius is framed in the current context of Haiti,¹⁴ as well as the specific situation of human rights defenders in the country. The IACHR has been closely monitoring the profound institutional crisis and political instability that Haiti has been experiencing over the past several years.¹⁵ In this sense, the Commission has received information regarding the large number of people who have reportedly been victims of violence and insecurity in the Port-au-Prince metropolitan area, noting with concern the State’s failure to protect its population and to address these acts of violence.¹⁶ In this same sense, the IACHR has received information regarding the situation of impunity that persists within the Haitian judicial branch and the existence of delays in judicial procedures, as well as widespread corruption and the lack of institutional capacity of the country’s justice system.¹⁷ Most recently, the Commission condemned the assassination of Haitian President Jovenel Moïse, stating that the crime is part of growing violence, and political and institutional tension in the country¹⁸. The IACHR further observed that the assassination of the President adds to a context of profound exacerbation of the situation of citizen insecurity that has political and socio-economic components, and that results in a framework of complex violations of the human rights of the Haitian population.¹⁹

23. With regards to the situation of human rights defenders in Haiti, the Commission has observed that members of civil society and journalists have been the main victims of episodes of extreme violence over the past several years.²⁰ The United Nations Integrated Office in Haiti (BINUH) has stated that “civil society and

¹³ See in this regard: I/A Court H.R. [Matter of Residents of the Communities of the Miskitu Indigenous People of the North Caribbean Coast Region regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13; I/A Court H.R. [Matter of the children and adolescents deprived of their liberty in the “Complejo do Tatuapé” of the Fundação CASA](#). Request for extension of precautionary measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

¹⁴ IACHR. [2020 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 28, March 30, 2021, para. 432; IACHR. [2019 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 9, February, 24, 2020, para. 369; IACHR. [Press Release No. 38/21](#). IACHR concerned about the political and institutional situation in Haiti, calls for dialogue and respect for human rights and the rule of law. February 23, 2021; IACHR. [Press Release No. 11/20](#). IACHR supports Haiti in current political and institutional scenario. January 22, 2020; IACHR. [Press Release No. 258](#). IACHR and its Special Rapporteurship for Freedom of Expression concerned about violence and increased political tensions in Haiti. October 11, 2019; IACHR. [Press Release No. 46/19](#). Concerned about worsening violence and scarcity in Haiti, IACHR unveils plan for a Rapid and Integrated Response Coordination Unit to monitor the situation. February 27, 2019; IACHR. [Press Release No. 33/19](#). IACHR expresses its concern for the situation in Haiti. February 13, 2019. [Available in French]; IACHR. [Resolution 65/2019](#). Precautionary Measures No. 793-19. Committee of Victims of La Saline regarding Haiti. December 31, 2019, para. 15.

¹⁵ IACHR. [2020 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 28, March 30, 2021, para. 430.

¹⁶ IACHR. [2020 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 28, March 30, 2021, para. 432. See also: United Nations Security Council. United Nations Integrated Office in Haiti. [Report of the Secretary-General](#). S/2020/537, 15 June 2020, para. 23.

¹⁷ IACHR. [2018 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 30, March 17, 2019, para. 267. See also: United Nations General Assembly. Human Rights Council. Working Group on the Universal Periodic Review. Twenty-sixth session. 31 October/11 November 2016. [Compilation prepared by the Office of the United Nations](#). A/HRC/WG.6/26/HTI/2, 26 August 2016, para. 43.

¹⁸ IACHR. [Press Release No. 172/21](#). IACHR condemns assassination of Haitian President Jovenel Moïse and urges State to guarantee democratic rule and human rights. July 9, 2021. See also: IACHR. [2020 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 28, March 30, 2021, para. 430.

¹⁹ IACHR. [Press Release No. 172/21](#). IACHR condemns assassination of Haitian President Jovenel Moïse and urges State to guarantee democratic rule and human rights. July 9, 2021.

²⁰ IACHR. [2019 Annual Report](#). Chapter IV.A. Haiti. OEA/Ser.L/V/II., Doc. 9, February, 24, 2020, para. 380.

human rights organizations continue to be the target of threats and acts of intimidation because of their struggle for human rights²¹, documenting 25 instances of threats, intimidation and attacks on human rights defenders, journalists, lawyers and judges from September 1, 2020 to May 31, 2021.²² Further, the United Nations Independent Expert on the situation of human rights in Haiti stated that high levels of impunity exist in cases involving attacks against human rights defenders.²³ Considering the situation of special risk faced by human rights defenders in Haiti, the Commission has granted several precautionary measures.²⁴

24. Taking this context into account, the IACHR will proceed to analyze the procedural requirements with regards to Mr. Occius.

25. The Commission considers that the requirement of seriousness has been met. When assessing this requirement, the Commission identifies that the risk situation of the proposed beneficiary is directly related to his work as human rights defenders. As coordinator of the *Organisation des Citoyens pour une Nouvelle Haïti* (OCNH), Mr. Occius is the public face of the organization and person responsible for the cases that it works on, which, according to the applicants, involve State representatives, members of the country's economic elite and foreign companies. In this sense, the Commission observes that the proposed beneficiary has been threatened, harassed and intimidated multiple times in recent years: (1) on July 16, 2020, Mr. Occius received a voice message from an unidentified individual threatening him; (2) on July 27, 2020, two unidentified individuals on motorcycles showed up at the OCNH's office in Port-au-Prince asking to speak with the proposed beneficiary; (3) on July 30, 2020 after dusk, an unidentified individual showed up at Mr. Occius' private residence demanding to speak with him; (4) during the night of July 30, 2020, the OCNH's office was vandalized, equipment and files were damaged, and several computers were stolen; (5) in January 2021, the proposed beneficiary received death threats over social media after expressing that he would continue his work as a human rights defender; and, (6) on April 29, 2021, Mr. Occius was followed by an unknown individual on motorcycle.

26. Moreover, the Commission observes that Mr. Occius has been the victim of acts of violence which have persisted and intensified over time, peaking at points in which his work as a human rights defender has gained greater visibility. In this sense, on November 30, 2020, four unidentified hooded individuals forcefully entered and proceeded to search the proposed beneficiary's home, taking a picture of Mr. Occius and his wife with a cellphone. Most recently, on June 29, 2021, the vehicle in which the proposed beneficiary and members of other civil society organizations were travelling was attacked by armed individuals while they were on their way to an event organized by the Peasant Animation and Community Action Centre.

27. The Commission considers that the aforementioned risk events reflect that the proposed beneficiary has severe limitations on his ability to freely carry out his activities as a human rights defender in Haiti. In this sense, the IACHR takes note of the allegations of the applicants that, following the November 30, 2020 incident, the proposed beneficiary and his family were forced to leave their home out of fear of being attacked again in the future, and that Mr. Occius is currently staying in a hidden location apart from his wife and daughter.

²¹ United Nations Security Council. United Nations Integrated Office in Haiti. Report of the Secretary-General. S/2021/133, 11 February 2021, para. 38.

²² United Nations Security Council. United Nations Integrated Office in Haiti. Report of the Secretary-General. S/2021/559, 11 June 2021, para. 41.

²³ United Nations General Assembly. Human Rights Council. Thirty-first session. Report of the Independent Expert on the situation of human rights in Haiti. A/HRC/31/77, 12 February 2016, para. 77.

²⁴ See in this regard: IACHR. Resolution 29/2015. Precautionary Measure No. 416-15. Members of the Ensemble des Citoyens Compétents a la Recherche l'Egalité des Droits de l'Homme regarding Haiti. September 1, 2015. [Available in Spanish]; IACHR. Resolution 17/2014. Precautionary Measures No. 161-14. Pierre Espérance and Members of the Réseau National de Défense des Droits Humains (RNDDH) regarding Haiti. June 9, 2014. [Available in Spanish]; IACHR. Resolution 10/2013. Precautionary Measure No. 304-13. Patrice Florvilus and members of the organization "Défense des Opprimés" regarding Haiti. November 27, 2013; IACHR. Resolution 2/2013. Precautionary Measure No. 157-13. Members of Union des Citoyens Conséquents pour le Respect des Droits de l'Homme regarding Haiti. September 23, 2013.

According to the applicants, the proposed beneficiary has purportedly hardly left this location since November out of fear, which has severely limited his ability to fully participate in activities as coordinator of OCNH. In this sense, the Commission observes that, on one of the few occasions that Mr. Occius left this hidden location to participate in an event being organized by the Peasant Animation and Community Action Centre, the vehicle in which he was travelling with other members of civil society organizations was attacked by armed individuals. The IACHR considers the applicants' allegations that this was a targeted attack against human rights defenders, considering that the CAPAC logo was on the vehicle, and that the vehicles preceding and following them on the road were not attacked.

28. Additionally, the Commission takes note of the information presented by the applicants regarding the alleged physical and psychological impacts that the aforementioned incidents have had on Mr. Occius, his wife and daughter, including trouble sleeping, distress, headaches, diarrhea and anxiety. Further, the proposed beneficiary's wife has drastically limited her movements and no longer attends the school where she works, while his daughter no longer goes to the nursery. Both remain separated from Mr. Occius living at separate locations.

29. The Commission further observes that despite having filed at least two complaints with the police regarding the attacks committed against him, Mr. Occius had not received any information about the status of these complaints, the existence of an investigation or the respective measures taken by the relevant authorities. In this same sense, the IACHR notes that when the proposed beneficiary presented himself at the Pétion-ville Police Station to present a written request inquiring about the status of his complaint, the police officers present allegedly refused to accept his request and told him to "proceed with caution".

30. The Commission stresses that, according to the information presented by the applicants, to date, the individuals responsible for the acts of violence and intimidation against Mr. Occius have not been identified, even though these acts have persisted and worsened over time. Further, the various incidents of risk outlined by the applicants indicate that these individuals have access to both personal and professional information about the proposed beneficiary, and that they are easily able to locate him, even when considering that he has rarely left the place where he is staying since he went into hiding in November 30, 2020. For example, on April 29, 2021, the proposed was followed by an unknown individual on motorcycle to the place where he is currently in hiding and on June 29, the vehicle he was travelling in was attacked. Further, the Commission observes that, given that the alleged lack of State action, Mr. Occius has had no other choice but to go into hiding, separating himself from his wife and daughter, as well as severely limiting his public appearances and participation in activities as the OCNH's coordinator.

31. In view of the situation analyzed above, the Commission regrets the lack of response from the State, after having requested its observations regarding the present request for precautionary measures. While the foregoing is not sufficient per se to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information from the State on the situation of the proposed beneficiary. Given the lack of response from the State, the Commission does not have elements that allow it to disprove the applicants' allegations or identify information on measures effectively adopted by the State to mitigate the alleged risk situation of Mr. Occius, such as, whether any investigations are currently being undertaken, any risk assessments which have been carried out or whether the proposed beneficiary and his family members have been provided with protection measures.

32. Considering the foregoing, the Commission finds that that the information provided by the applicants, assessed in the previously mentioned context, is sufficient to conclude from a prima facie standard that the rights to life and personal integrity of Camille Occius are at serious risk. The Commission emphasizes its concern considering that the situation described is allegedly intended to intimidate and thus limit the work of Mr. Occius as a human rights defender, which in turn has a chilling effect on other individuals who work in defence of human rights in the current context in Haiti.

33. The Commission considers that the requirement of urgency has been met, in view of the continuity and exacerbation of the attacks, threats and acts of intimidation allegedly committed against the proposed beneficiary, and that his situation of risk is related to his work as a human rights defender. The Commission warns that these acts are likely to repeat themselves in the future requiring the adoption of immediate measures to protect his rights. In this same sense, as indicated above, the Commission does not have specific information provided by the State that would allow it to assess any actions that have been taken to address Mr. Occius' alleged situation of risk.

34. The Commission considers that the requirement of irreparability has been met, insofar as the potential impact on the rights to life and personal integrity of the proposed beneficiaries constitutes the maximum situation of irreparability.

35. Lastly, the Commission wishes to reiterate the importance of the work of human rights defenders in the region, placing special emphasis on the fact that acts of violence, criminalization and other attacks against them not only affect the guarantees of every human being, but also undermine the fundamental role that human rights defenders play in society and add to the defenselessness of all those for whom they work.²⁵

IV. BENEFICIARIES

36. The Commission declares that the beneficiaries of this precautionary measure are Camille Occius, his wife and daughter, who are duly identified in this proceeding.

V. DECISION

37. The Inter-American Commission on Human Rights concludes that the present matter meets prima facie the requirements of seriousness, urgency and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the IACHR requests that Haiti:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Camille Occius and his family. To this end, the State must ensure that its agents respect the life and personal integrity of the beneficiaries, as well as protect their rights in relation to acts of risk that are attributable to third parties, in accordance with the standards established by international human rights law;
- b) adopt the necessary measures to ensure that Camille Occius can carry out his activities as a human rights defender without being subjected to acts of violence and harassment in the course of his work;
- c) agree upon the measures to be adopted with the beneficiaries and their representatives; and,
- d) report on the actions taken in order to investigate the alleged facts that led to the adoption of this resolution with the aim of preventing their reoccurrence.

38. The Commission requests the State of Haiti to inform, within a period of 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update such information periodically.

²⁵ IACHR. Towards Effective Integral Protection Policies for Human Rights Defenders. OAS/Ser.L/V/II., Doc. 207/17, December 29, 2017, para. 8.

39. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute prejudgment of any violation of the rights protected in the applicable instruments.

40. The Commission instructs its Executive Secretariat to notify the State of Haiti and the applicants of this resolution.

41. Approved on September 4, 2021, by: Antonia Urrejola Noguera, President; Julissa Mantilla Falcón, First Vice-President; Flávia Piovesan, Second Vice-President; Margarette May Macaulay; Esmeralda Arosemena de Troitiño; Edgar Stuardo Ralón Orellana; and, Joel Hernández García, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary