

**REQUEST FOR PRECAUTIONARY MEASURES
AGAINST THE REPUBLIC OF HAITI
ON BEHALF OF HAITIAN HUMAN RIGHTS DEFENDERS
DAVID BONIFACE, NISSAGE MARTYR, AND JUDERS YSEMÉ,
AND THEIR IMMEDIATE FAMILY MEMBERS,
AS WELL AS OTHERS SIMILARLY SITUATED**

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I. SUMMARY

1. The Allard K. Lowenstein International Human Rights Clinic at Yale Law School (“the Clinic”), *Bureau des Avocats Internationaux* (BAI), and the Institute for Justice & Democracy in Haiti (IJDH) respectfully request that the Inter-American Commission on Human Rights (“the Commission”) issue precautionary measures pursuant to Article 25(2) of the Rules of Procedure. The Clinic, BAI, and IJDH present this request on behalf of Haitian human rights defenders David Boniface, Nissage Martyr, Juders Ysemé, and immediate family members, as well as others similarly situated¹ (“Petitioners”). Petitioners currently face a serious and urgent situation that presents a very high risk of irreparable harm.
2. The contact information of Petitioners’ legal representatives is as follows:

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3. Jean Morose Viliena (“Viliena”)—the former Mayor (current interim Mayor pending elections) of Les Irois—and the KOREGA militia have violated and will continue to violate Petitioners’ human rights under the Convention.² Among many human rights violations, they killed Ecclesiaste Boniface, the younger brother of Petitioner David Boniface, and tortured and attempted to kill Petitioners Nissage Martyr and Juders Ysemé, leaving them both maimed and permanently disabled. Although Viliena and 18 members of the KOREGA militia were indicted for murder in 2010, only 6 of them (not including Viliena) were convicted, and the Haitian Court of Cassation vacated the convictions on highly irregular procedural grounds, ordering a new trial for those 6 members. The trial is scheduled to be heard on July 3, 2015. In light of the upcoming trial, Petitioners are terrified that Viliena and the KOREGA militia will intensify recent threats and attacks on them or on their families. This fear stems from a lack of protection Petitioners have received in the past, as well as from Viliena’s impunity regarding his past human rights violations. To

¹ Others similarly situated include those residing in Les Irois who have been threatened or attacked by Viliena and the KOREGA militia, as well as those who are likely to be threatened or attacked by Viliena and the KOREGA militia in light of the upcoming criminal trial. They include actual or perceived supporters of the *Organisation du Peuple en Lutte* (the “Struggling People’s Organization,” known by its French acronym “OPL”), the primary opposition group in Les Irois, and their families.

² Jean Morose Viliena’s father, Lissage Viliena, also participated in the human rights violations and has been charged in an indictment for his involvement.

date, Petitioners are unaware of any actions taken by the Haitian government or the Haitian judiciary to protect them from these threats and attacks.

4. The Republic of Haiti ratified the American Convention on Human Rights (“the Convention”) on September 14, 1977. Pursuant to Article 276(2) of the Haitian Constitution, the Convention has, therefore, become part of the law of Haiti and abrogates any and all laws that conflict with it. In addition, Haiti accepted the binding jurisdiction of the Inter-American Court of Human Rights (“the Court”) on March 20, 1998. Nevertheless, the Haitian government has not provided sufficient protection for Petitioners from human rights violations.
5. Consequently, the Clinic, BAI, and IJDH respectfully request that the Commission order the Haitian government to:
6. In light of the foregoing, the Clinic, BAI, and IJDH respectfully request that the Commission order the Haitian government to:
 - Adopt the measures necessary to protect the lives and physical integrity of Petitioners, the lawyers, the judges, and the witnesses of the upcoming criminal trial against members of the KOREGA militia, as well as their families. Since Viliena continues to govern Les Irois with impunity, such protection, at a minimum, must include:
 - the reinstatement of the 13 defendants (including Viliena) who were indicted in 2010 but who are omitted from the notice of the upcoming criminal trial so that their actions can be publicly tried according to law;
 - the immediate pre-trial detention of all of the remaining 13 defendants (still living) of the 18 who were indicted in 2010 and not imprisoned (5 of the 18 are currently imprisoned); and
 - all necessary measures, after the judge reaches a decision, to prevent Petitioners from suffering reprisals at the hands of any of the defendants, whether or not the defendants remain detained, and whether or not the defendants act through third parties.
 - Adopt all measures necessary to ensure that the Petitioners can participate in activities as human rights defenders, without being subject to acts of violence and harassment in the exercise of their work.
 - Come to an agreement through a process of dialogue and discussion with the beneficiaries and their representatives on actions to be taken to implement these measures.
 - Report on the actions taken to implement these measures, and to investigate the alleged incidents that gave rise to the adoption of these precautionary measures so that such incidents do not happen again.

II. STATEMENT OF FACTS

A. Political Violence in Haiti and the Abuses of Mayor Jean Morose Viliena and the KOREGA Militia

7. On February 29, 2004, paramilitary groups overthrew the Haitian government in a bloody coup d'état. Since then, the Haitian government has failed to provide adequate security for its people (*Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community*, OEA/Ser/L/V/II.123, 2005, paras. 86-89). The National Police Force is disproportionately small and entirely absent in some provinces (*Id.* at para. 90). The small police force that exists is underpaid and overworked (*Id.* at paras. 93-94). Moreover, many police officers are corrupt and are themselves responsible for perpetrating human rights abuses that remain uninvestigated (*Id.* at para. 4). In addition, the Haitian judicial system is underfunded, inefficient, and corrupt (*Id.*; Freedom House, *Haiti*, 2014). Consequently, Haiti is now considered the ninth most fragile state in the world, among the ranks of Afghanistan, Pakistan, and Yemen (Fund for Peace Fragile States Index 2014).

8. Amidst this power vacuum, armed militias have risen to power. The Grand Anse Resistance Coordination (KOREGA) is a regional political machine that uses armed militia to influence elections, interfere with judicial proceedings, and suppress political opposition across the Grand Anse region, one of Haiti's ten administrative departments. KOREGA gives its members government posts in return for their loyalty. The Commission has already confronted the horrific tactics KOREGA employs in the case of *Johel Dominique v. Haiti* (Case 945-05, Admissibility Decision, Feb. 28, 2007). In that case, a KOREGA militia in Jérémie, a city near Les Irois, opened fire on the house of Johel Dominique, a local investigating judge (paras. 13-20).
9. In 2006, KOREGA employed violent and fraudulent tactics to ensure the election of Jean Morose Viliena as Mayor of Les Irois, a town of approximately 17,000 on the western coast of Haiti. For example, on the day of elections, KOREGA members vandalized the home of opposition candidate Pastor William Lebon, intimidated his family, and killed a dog at his residence. In addition, a KOREGA member, Pierrot Boileau, paid voters on Pont-Pigy Boulevard to vote for Viliena. When Viliena became Mayor, many of these KOREGA members served on his staff.
10. Once in power, Viliena became the head of the Les Irois branch of KOREGA. On multiple occasions, he ordered KOREGA militia members to threaten and attack people perceived to oppose KOREGA, including supporters of the *Organisation du Peuple en Lutte* ("the Struggling People's Organization," known by its French acronym "OPL"), KOREGA's main political rival in the region.³ The KOREGA militia killed Eclesiaste Boniface (*see infra* Section II.B), raided a community radio station (*see infra* Section II.C), and burned down 36 homes of people perceived to oppose the Mayor and/or KOREGA (*see infra* Section II.D). The victims filed multiple police reports and claims before Haitian courts, but the claims resulted only in the indictment of Viliena and 20 of his KOREGA militia, a conviction 6 of the 19 people indicted (the conviction was overturned two years later on appeal), the intimidation of witnesses, and continued threats against Petitioners (*see infra* Section II.E). A retrial of 6 members of the KOREGA militia is scheduled to be heard on July 3, 2015, and the notice of the trial date has been accompanied by a new wave of lethal threats that will likely escalate (*see infra* Section II.F).

B. The Extrajudicial Killing of Eclesiaste Boniface on July 27, 2007

11. On July 27, 2007, David Boniface, a schoolteacher who served as a court monitor for a local human rights organization affiliated with the *Réseau National de Défense des Droits Humains* ("RNDDH"), observed a hearing concerning Mayor Viliena's assault of a woman. Boniface obtained permission from the local Justice of the Peace, Judge Saint Bell, to speak on behalf of the woman. Angered by Boniface's statements, Viliena stormed out of the courtroom. When Boniface left the courtroom, Viliena and a group of KOREGA militia members⁴ confronted him before he managed to exit the building.
12. One militia member, Jean-Louis Bell (a cousin of Judge Bell), tried to strike Boniface, while the others surrounded him and threatened to beat him. A group of bystanders intervened and escorted Boniface to the home of a neighbor, Nissage Martyr. Viliena and the KOREGA militia members followed Boniface to Martyr's home and continued to threaten him. Eventually, Viliena threatened Boniface that he would deal with him later.
13. That evening, Viliena came to Boniface's neighborhood, ordered the residents to remain indoors, and announced that his militia would return later. Indeed, that night Viliena and around 12 members of the KOREGA militia⁵ came to Boniface's home, armed with firearms, machetes, clubs, and picks. The indictment states that they looked like they "intended to take the law into their own hands" (Exhibit A-1, para. 13). As David Boniface was at church, his younger brother, 23-year-old Eclesiaste Boniface,

³ Members of the KOREGA militia say that whenever KOREGA engages in violence in the region, it is with the approval of Mayor Viliena.

⁴ They included Hautefort Bajon, Meritus Beaublanc, Jean-Louis Bell, and Beniçoit Bell. The last two are Judge Bell's cousins.

⁵ They included Hautefort Bajon, Pierrot Boileau, Meritus Beaublanc, Villeme Duclona, Michelet Noel, Jean Pierre Gardy, Lifaite Livert, Lissage Viliena (Viliena's father), Jean-Louis Bell, and Beniçoit Bell.

answered the door. Under Viliena's supervision, the KOREGA militia (including cousins of Judge Bell) dragged Ecclesiaste into the street. Viliena's militia slashed at him with machetes before one of them finally shot him with a gun. As Ecclesiaste's body lay on the ground, another militia member smashed his head with a large rock. Ecclesiaste died from his wounds, and Viliena and the KOREGA militia left his mangled corpse on the street, exposed to the public.

14. The next morning, the Boniface family found Ecclesiaste's body. David Boniface soon filed a complaint with Judge Bell. He eventually fled Les Irois, fearing for his life.

C. The Raid on the Community Radio Station on April 8, 2008

15. Given the high illiteracy rate, the lack of newspapers, and the lack of public Internet access in Les Irois, radio is the village's primary source of news. In or around March 2008, a group of local journalists and activists in Les Irois founded the village's first community radio station, New Vision Radio. The radio station operated from a room leased from Nissage Martyr's private residence and was supported by Les Irois' two local representatives, Senator Andris Riché and Deputy Orelie Joachim, both members of OPL.
16. Viliena opposed the radio station from its inception. On the day the radio station launched in late March 2008, Viliena publicly declared his intent to shut it down. On or around April 8, 2008, Viliena and around 30 members of the KOREGA militia⁶ came to the radio station in Martyr's home, armed with firearms, machetes, picks, and sledgehammers.
17. As Martyr approached the front door, Viliena grabbed him, dragged him down the hallway, pointed a handgun at his head, and told him to leave. Martyr refused because his family remained in the house. Viliena then shouted that he believed that Martyr was planning to report the incident. Viliena struck Martyr in the chest, causing Martyr to fall to the floor, and started beating him with a gun. Members of the KOREGA militia surrounded Martyr and joined in the assault. Eventually, they left Martyr on the floor and, under Viliena's orders, carried the broadcasting equipment out the door.
18. Meanwhile, KOREGA militia member Aguel Jean spotted Juders Ysemé in the backyard. Accusing Ysemé of planning to report the attack as well, Jean grabbed Ysemé, dragged him into the house, and held him as other militia members beat his head and body.
19. Martyr and Ysemé got up and made a run for the door after the militia had left them on the floor in pain. They managed to reach the street. Upon seeing them attempt to escape from the militia's custody, Viliena ordered Villeme Duclona to shoot and kill Martyr and Ysemé. Duclona took aim with his 12-gauge shotgun and opened fire, hitting Martyr in the leg and Ysemé in the face. Viliena and the KOREGA militia then seized the rest of the radio equipment and fled the scene. They left Martyr and Ysemé for dead.
20. Both Martyr and Ysemé required intensive medical treatment. The doctors who treated Martyr were forced to amputate his injured leg above the knee. Ysemé had two surgeries to extract shotgun pellets from his face. He became permanently blind in one eye and still has pieces of shotgun pellets in his scalp and arms.

D. The Arson of 36 Homes of Perceived Political Opponents on October 29, 2009

21. In or around October 2009, Hautefort Bajon, Viliena's Chief of Staff, fell ill. On October 27, 2009, Viliena and his KOREGA supporters marched through the streets of Les Irois, chanting that they would burn down the town if Bajon died. Viliena publicly declared that OPL had placed a voodoo curse on Bajon.

⁶ They included Hautefort Bajon, Pierrot Boileau, Meritus Beaublanc, Lissage Viliena, Villeme Duclona, Michelet Noel, Jean Pierre Gardy, Lifaite Livert, Benoît Bell, Mones Dorcena, Keleman, Alan Duclona, France Isme, Martyr Kenson, Aguel Jean, Esto Bell, and Jean-Louis Bell.

22. The next day, on October 28, 2009, Viliena led a group of the KOREGA militia⁷ in the kidnapping of several OPL supporters whom they blamed for Bajon's illness. They bound Doston Lebon and Torchon François with ropes and paraded them down a central street, beating them as they walked. One member of the KOREGA militia cut off the right ear of Doston Lebon and ate it. KOREGA militia members also abducted City Delegate Delicia Logiste from her home, bound her with rope, and held her in a safe house with their other hostages, Lebon and François. The hostages were released later that day after their abduction failed to cure Bajon's illness.
23. The following day, on October 29, 2009, Bajon died. Shortly thereafter, Viliena and his KOREGA militia stormed into the town market and started striking perceived supporters of the OPL, accusing them of causing Bajon's death.
24. The same day, Viliena ordered the KOREGA militia to burn down dozens of homes belonging to perceived OPL supporters.
25. That evening, the KOREGA militia⁸ went to the home of Juders Ysemé. As Ysemé hid in a nearby garden, he watched as the militia poured gasoline into his house and lit it on fire. Later, the militia⁹ went to the home of Nissage Martyr, who heard Viliena giving instructions to the militia members via a cell phone on speaker setting.
26. Upon receiving these orders, Viliena's associates poured gasoline into Martyr's residence, and Villeme Duclona lit the match to set it on fire. Martyr watched from a hiding spot as his home burned down.
27. KOREGA militia burned the homes of David Boniface, Nissage Martyr, and Juders Ysemé in the arson spree on October 29, 2009, and rendered them uninhabitable. In all, the KOREGA militia burned down 36 homes, leaving at least 40 families and 300 individuals in Les Irois homeless. Martyr and Ysemé, like Boniface, fled Les Irois, fearing for their lives.

E. Miscarried Legal Proceedings

28. Since 2007, the victims of these human rights violations have lodged at least eight reports or complaints with Haitian law enforcement and judicial authorities, as well as the United Nations Mission in Haiti. Despite these efforts, Viliena and most of the KOREGA militia members have not been held accountable for any of these attacks.
29. Initially, the Haitian judiciary opened a criminal investigation into the aforementioned incidents. In September 2008, Judge Frank Drice of the Judicial Investigation Office (*Cabinet d'Instruction*) of Jérémie (the capital city of Grand Anse) ordered the arrest and pre-trial detention of Viliena. However, Viliena was released in December as a result of political pressure. He then fled Les Irois to avoid the investigation. Meanwhile, Viliena's KOREGA militia was sending death threats to David Boniface (Amnesty Urgent Action, p. 1). As the investigation continued, Viliena's KOREGA militia also harassed, threatened, and assaulted witnesses who testified before the investigators. For example, after the Bonifaces' neighbor, Clorene François, provided eyewitness testimony about the killing of Ecclesiaste Boniface, members of the KOREGA militia¹⁰ went to her home, held her on the floor, and severely beat and choked her.
30. On December 21, 2009, the Public Prosecutor of Jérémie approved the prosecution of Viliena and 18 members of the KOREGA militia. On January 25, 2010, Judge Jean Gar Lundy in Jérémie indicted Viliena

⁷ They included Meritus Beaublanc, Lifaite Livert, Michelet Noel, Villeme Duclona, Alan Duclona, Marc Arthur Conte, and Jimmy Antoine.

⁸ They included Beniçoit Bell, Jean Louis Bell, Lissage Viliena, Marc Arthur Conte, Villeme Duclona, Alan Duclona, Lifaite Livert, and Meritus Beaublanc.

⁹ They included Lissage Viliena, Michelet Noel, Lifaite Livert, Keleman, Pierrot Boileau, Meritus Beaublanc, Villeme Duclona, Beniçoit Bell, and Jean Louis Bell.

¹⁰ They included Michelet Noel and Lifaite Livert.

and 18 members of his militia¹¹ for the murder of Ecclesiaste Boniface, the maiming of Martyr and Ysemé, and the raid on the radio station (Exhibit A-1). The indictment stated that Viliena and any of his 18 co-defendants who fled the jurisdiction would be tried *in absentia* (*Id.*). Many of his co-defendants fled, notwithstanding the arrest warrants issued against them. According to the indictment, fleeing creates a presumption of guilt in Haitian criminal law (*Id.* at paras. 16-17). Nevertheless, the Haitian government failed to initiate *in absentia* proceedings against Viliena or the other fugitives named in the indictment. Instead, on October 25, 2010, a trial court in Jérémie convicted only the 6 co-defendants who remained in Grande Anse¹² (Exhibit A-2). These co-defendants appealed their convictions, and on May 24, 2012, the six convictions were vacated by the Haitian Court of Cassation on highly irregular procedural grounds: The case documents, including a record of the trial proceedings, had disappeared from the case file (Exhibit A-6). The Court of Cassation entered a fine against the court clerk for failing to include the case documents and ordered a new trial for those 6 defendants. But for three years following the order, the Haitian government failed to pursue any further action in this case, holding neither a new trial for the 6 co-defendants nor *in absentia* proceedings against the fugitives. No Haitian court has acquitted Viliena or any of his co-defendants, and the 2010 indictment remains in force.

31. In recent years, KOREGA has aligned itself with President Michel Martelly's party. As a result, in August 2012, when Viliena's term as Mayor of Les Irois expired due to long-overdue elections, President Martelly appointed him interim Mayor ("Interim Executive Agent"). Viliena has been allowed to continue governing Les Irois and to collect a salary, despite the criminal charges for murder issued in the 2010 indictment. As Interim Executive Agent, Viliena effectively exercises the functions of Mayor.
32. On August 12, 2013, the Criminal Tribunal of Jérémie convicted 12 members of Viliena's KOREGA militia¹³ for the October 2009 arson (Exhibit A-7). However, the court suspended their sentences and ordered their release from prison, noting that the perpetrators were motivated by grief for the loss of their comrade, Hautefort Bajon. Viliena was never charged in the proceedings, despite evidence that he was the one who ordered the arsons.

F. Expectations of Abuse Associated with the Upcoming Trial

33. The new trial is now scheduled to be heard on July 3, 2015, more than three years after being ordered in May 2012 by the Court of Cassation. Local political commentators believe that the purpose behind holding the trial now (first set in June 2014, then May 2015, then June 2015, now July 3, 2015) is to close the case, thereby removing all of the allegations against Viliena so that he can participate in upcoming elections.
34. The only defendants listed in the May 2014 trial notice are the 6 members of the KOREGA militia who had been convicted in October 2010. If the 13 others, including Viliena, are not indicted and convicted in the new trial, it is likely that, under an assertion of *res judicata*, they will never be held responsible for their human rights violations against Petitioners.
35. The following are threats made against Petitioners since the new trial was announced for May 15, 2015 (later rescheduled to July 3, 2015).
36. On April 14, 2015, the three Petitioners and attorney Mario Joseph of the BAI held a press conference to bring attention to Viliena's prosecution.
37. One week after the press conference, on or about April 21, 2015, a friend of David Boniface called him to tell him she had attended a meeting that day which was also attended by five of Viliena's co-conspirators. One of the co-conspirators stated at the meeting that they would not appear at the trial and that, instead,

¹¹ They were Hautefort Bajon, Maxene Vilsaint, Vilene Duclona ("Little American"), Martyr Kenson, Boileau Pierrot, Lissage Viliéna, Mones Dorcena, Guerson Pierre, "Keleman", France Isemé, Jean Pierre Gardy, Agnel Jean, Jean Louis Bell, Lifaite Livert, Esta Bell, Meritus Beaublanc, Cedernier Fleurime, and Michelet Noel.

¹² They were Lifaite Livert, Mones Dorcena, Louines Charles, Jean Louis Bell, Michelet Noel, and Nissage Viliéna.

¹³ They included Lissage Viliéna, Michelet Noel, Lifaite Livert, and Villeme Duclona.

they would go to David Boniface's church to "take" him. When asked why, the co-conspirator said that Petitioners had been causing them trouble and that they wanted to "end this." Armed men have since visited David Boniface's church looking for him. David Boniface has, as a result, stopped attending his church, the only Protestant church in Les Irois.

38. On or about April 30, 2015, Martyr's 17-year-old son was threatened at school by a group of more than 40 men who supported Mayor Viliena and KOREGA. The men threw rocks and mangos at Martyr's son and were carrying batons. The other students helped him to safety. Martyr has since withdrawn all of his children from school.
39. On or about March 29, 2015, three of the KOREGA supporters who broke into the radio station in 2008 and beat Martyr passed by Martyr's house as part of a crowd celebrating Easter. The three KOREGA supporters threw rocks at Martyr's house while shouting: "We missed you in April 2008. We will get you this April."
40. On or about June 11, 2015, several men associated with Mayor Viliena appeared in front of Petitioners' homes. All three Petitioners live in street-front properties. The armed men roamed the street in front of their homes and openly shouted threats heard by Petitioners, their neighbors, and passers-by. The men let it be known that they blamed the Petitioners for the death, the previous night, of one of the defendants (Michelet Noel) who was in prison. The men stated that Noel would never have died had the Petitioners not pursued criminal proceedings. The men shouted that "we will do more than just burn houses, we will also cut heads this time." The Petitioners were each at their homes at the time and were shaken and frightened by the threats, particularly given the striking similarity to the circumstances surrounding the arson in 2009, when 36 homes were burned down in retribution for the death of one of the defendants. All three Petitioners have fled their homes and are currently in hiding.
41. As Interim Mayor of Les Irois, Viliena controls the town through the KOREGA militia. He has, on multiple occasions, physically and verbally threatened not only Boniface, Martyr, and Ysemé, but also their families. In particular, Viliena has warned them that he is above the law and that it would be futile and dangerous for them to seek justice. Viliena and his associates have pressured Boniface's school director to fire him and have threatened to shoot Ysemé's father if he continues to work as a fisherman. The KOREGA militia has also threatened to cut off Martyr's remaining leg.
42. Viliena and the KOREGA militia have repeatedly demonstrated and continue to demonstrate their willingness to threaten, intimidate, and kill Petitioners and others who, in their view, oppose them. As the new trial approaches, these attacks have a greater likelihood of becoming more frequent for two reasons. First, Petitioners are informed that Viliena is running for political office. Elections tend to be a dangerous time in Haiti, especially for journalists and those perceived as political opponents or critics. When Viliena ran for mayor in 2006, the KOREGA militia was ruthless in dealing with Viliena's political opponents. KOREGA used strong-arm tactics and political muscle to stifle opposition and guarantee the election of Viliena. Second, members of Viliena's KOREGA militia are on trial. When they were being investigated in 2008 and tried in 2010, Viliena's KOREGA militia intensively threatened and attacked Petitioners and their witnesses; attacks included the brutal assault on eyewitness Clorene François (*see para. 28, supra*). Petitioners pose a threat to Viliena's political campaign because they have been vocal about the human rights abuses of Viliena's regime, and more controversy might mar Viliena's reputation. Indeed, the threats against Petitioners since March 2015, when a trial date was first scheduled for May 2015, demonstrate the militia's persistent aggression and violence. The threats of violence will not stop after the trial is over, as retribution for testimony given is likely, especially if any of the defendants are convicted.

G. Petitioners' Classification as Human Rights Defenders

43. Petitioners are human rights defenders as defined by the Commission. Consequently, the Government of Haiti is especially obligated to protect them from threats and attacks from Viliena and his KOREGA militia.

44. The Commission's *Report on the Situation of Human Rights Defenders in the Americas* ("the Report") concludes that every person who in any way promotes or seeks the realization of human rights and fundamental freedoms, nationally or internationally, must be considered a human rights defender. The criterion used to identify a human rights defender, therefore, is the activity undertaken by the person (para. 14). As the Report states, "Human rights defenders undertake to further the realization of any of these [human] rights, which includes addressing **summary executions**, forced disappearances, **torture**, arbitrary detentions, discrimination, labor rights, **the right to housing** and **forced evictions**, among others" (*Id.* at para. 15) (emphasis added).
45. Examples of a human rights defender's actions as set out by the Commission include: investigating and compiling information to report human rights violations, actions to ensure the responsibility of state authorities and eradicate impunity, and actions to support democratic governance and to eradicate corruption (*Id.* at para. 16).
46. David Boniface, Nissage Martyr, and Juders Ysemé are all human rights defenders under the Commission's definition. David Boniface had a track record of defending human rights even before the altercations with Viliena arose, as Boniface was being trained as a human rights advocate by one of Haiti's largest human rights organizations, RNDDH. Indeed, the brutal murder of Boniface's brother occurred in retaliation for his work as a court monitor. Nissage Martyr defied Viliena's wishes by hosting in his own home a community radio station that Viliena actively sought to shut down. Boniface, Martyr, and Ysemé fled Les Irois fearing retaliation from Viliena for being a threat to his continued local power. In 2012, Boniface, Martyr, and Ysemé held a press conference with a Haitian senator and member of the House of Deputies, elevating the local human rights abuses of Viliena and the KOREGA militia to the national stage (Exhibit D-1). Furthermore, their repeated attempts to seek justice before Haitian courts and the national press mark them as human rights defenders. Petitioners have engaged in strategic human rights advocacy (through press conferences and other related activities) to apply public pressure on the Haitian government, civil society, and the legal system. Seeking justice discourages future human rights violations like further unlawful executions, arson, or attacks by Viliena (or any other local politician in Haiti).

III. PRECAUTIONARY MEASURES

47. In light of the aforementioned facts, the Commission should issue precautionary measures to protect Petitioners from the risk to life and personal integrity and further human rights violations. Article 25 of the IACHR Rules of Procedure identifies three requirements for issuing precautionary measures:

The Commission may ... request that a State adopt precautionary measures. Such measures, whether related to a petition or not, shall concern **serious** and **urgent** situations presenting a **risk of irreparable harm** to persons or to the subject matter of a pending petition or case before the organs of the inter-American system (emphasis added).

48. Indeed, Petitioners face a serious (*see infra* Section III.A) and urgent (*see infra* Section III.B) situation and a very high risk of irreparable harm (*see infra* Section III.C).

A. Serious Situation

49. Under the Rules of Procedure, 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" (Art. 25, IACHR Rules of Procedure). The present case is a serious situation because: (i) Viliena and the KOREGA militia have repeatedly violated and will likely continue to violate Petitioners' human rights under the Convention; (ii) the Haitian government and the Haitian judiciary are not protecting Petitioners from these violations, even though Petitioners serve as human rights defenders; and (iii) the Commission has previously held similar situations to satisfy the "serious situation" requirement.

- i. Viliena and the KOREGA militia have repeatedly violated and will likely continue to violate Petitioners' human rights under the Convention

50. The atrocities that Viliena and the KOREGA militia have committed over the past eight years constitute direct violations of Petitioners' human rights under the Convention. In particular, the following rights under the Convention have been violated:

- **Right to Life** (Article 4) – Under Article 4(1), “no one shall be arbitrarily deprived of his life.” The killing of Ecclesiaste Boniface is a *per se* violation of the right to life.
- **Right to Humane Treatment** (Article 5) – Article 5(1) states, “Every person has the right to have his physical, mental, and moral integrity respected.” The upcoming trial has heightened the severe anguish, fear, and anxiety that Petitioners and their families feel because of the possibility of reprisal by the perpetrators. When Boniface’s neighbor served as a witness, the KOREGA went to her home and severely beat her and choked her. Martyr continues to receive threats from Viliena, whose KOREGA militia has threatened to cut off his remaining leg. Viliena and his associates have threatened to shoot Ysemé’s father if he continues to work as a fisherman.

Under Article 5(2), “No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.” Viliena and members of the KOREGA militia subjected Ecclesiaste Boniface, Nissage Martyr, and Juders Ysemé to extreme physical violence, resulting in severe pain, mutilation, and death. During the 2008 raid on the community radio station, people acting under the authority of Viliena beat and shot Martyr and Ysemé for the purposes of intimidating them, penalizing their association with the radio station, and preventing them from reporting official misconduct.

- **Right to Privacy** (Article 11) – Viliena and the KOREGA militia abusively interfered with the private lives, families, and homes of David Boniface, Nissage Martyr, Juders Ysemé, and of the families whose houses they burned down. As of last week, all three Petitioners are in hiding, living outside their homes and away from their families.
- **Freedom of Thought and Expression** (Article 13) – Viliena and the KOREGA militia interfered with the right to freedom of thought of the people associated with or who listened to the first community radio station of Les Irois. Article 13(1) states that this right includes “freedom to seek, receive, and impart information and ideas of all kinds.” Article 13(3) specifically states that freedom of expression may not be restricted by controls over “radio broadcasting frequencies.” Viliena’s raid on the community radio station violated not only the rights of Petitioners, but also the rights of the entire community of Les Irois.
- **Rights of the Family** (Article 17) – Article 17(1) stresses that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the state.” Viliena and the KOREGA militia attacked the families of David Boniface, Nissage Martyr, and Juders Ysemé and attacked other families in the community by burning their houses down. Now, all three named Petitioners have been driven from their homes and are in hiding due to threats. As such, Viliena and KOREGA’s actions have directly violated the rights of the family by destroying their homes and depriving them of a communal place to exercise their rights.
- **Right to Property** (Article 21) – Viliena and the KOREGA militia burned down 36 homes. Under Article 21(1), “everyone has the right to the use and enjoyment of his property.” Burning down 36 houses and leaving 400 members of the Les Irois community homeless was a direct violation of this right. In addition, much of Nissage Martyr’s land and possessions were stolen following the arsons, and the land is now fallow. He has no income and must live day to day, relying on others for financial assistance.
- **Freedom of Movement and Residence** (Article 22) – Article 22(1) states that “every person ... has the right to move about in [the territory of its State Party], and to reside in it subject to the provisions of the law.” The threats and attacks by Viliena and the KOREGA militia have caused

David Boniface, Nissage Martyr, and Juders Ysemé to fear retaliation and, thus, to flee Les Irois and go into hiding. Moreover, Ysemé's national identification card was lost in the fire when Viliena and the KOREGA militia burned his house down. Consequently, all three of them are unable to exercise their freedom of movement and residence so long as Viliena and the other KOREGA members are not held accountable.

- **Right to Judicial Protection** (Article 25) – Article 25(1) provides the right to “prompt recourse ... for protection against acts that violate [one’s] fundamental rights.” David Boniface, Nissage Martyr, and Juders Ysemé and the families whose houses were burned down have not had access to effective recourse for the human rights violations they have suffered. Although 12 members of Viliena’s KOREGA militia were convicted for the arson, the 19 members indicted in 2010 for the murder of Ecclesiaste Boniface and the raid on the community radio station have had their trial delayed, and 13 of those members, including Viliena, are not scheduled to be prosecuted in the upcoming trial (although BAI will request that all defendants indicted in January 2010 be included in this trial).

51. Many of these violations continue to this very day. For example, the residents of Les Irois are still deprived of their right to freedom of thought and expression (Article 13) as Viliena and his KOREGA militia demonstrated how they would deal with a community radio station. In addition, the abuses by Viliena and the KOREGA militia against Boniface, Martyr, and Ysemé continue to deny them of their right to freedom of movement and residence (Article 22). They are now in hiding and constantly fear for their lives. The past abuses and continuing threats have also deprived Petitioners of their family rights (Article 17), as their families are left without knowledge of their whereabouts for long stretches of time and, moreover, are subjected to Viliena’s threats based on nothing more than their status as Petitioners’ family members.

52. Furthermore, these violations are likely to continue in the future. As Interim Mayor of Les Irois, Viliena not only exercises influence over the village, but also has access to all public and state records. Consequently, he can know whenever any of Petitioners moves domiciles officially or conducts any act of municipal or state business, enabling him to know Petitioners’ whereabouts. In addition, Viliena maintains de facto control over the KOREGA militia in the region. He and his militia continue to threaten and attack Petitioners, their family members, and their supporters. For example, as mentioned in Sections II.E and II.F, they continue to threaten the Petitioners, and they attacked Clorene François, cost Boniface two school-teaching jobs, threatened to shoot Ysemé’s father, and threatened to cut off Martyr’s remaining leg.

- ii. The Haitian government and the Haitian judiciary are not protecting Petitioners from these violations, even though Petitioners are human rights defenders

53. Human rights organizations and Petitioners themselves have informed the Haitian government and the Haitian judiciary of the human rights violations that Viliena and his KOREGA militia have perpetrated. Nevertheless, the government and judiciary are not protecting Petitioners from the violations, as demonstrated by the following facts:

- In October 2010, the trial court in Jérémie tried only 6 of the 19 indicted defendants and failed, without legal justification, to try Viliena, despite his role as leader of the KOREGA militia, his direct participation in violations, and his indictment in 2010 for those very crimes.
- In May 2012, the Haitian Court of Cassation vacated the conviction of those 6 militia members.
- In August 2012, President Michel Martelly appointed Viliena to be Interim Executive Agent of Les Irois, despite his documented human rights violations.
- In August 2013, the Criminal Tribunal of Jérémie suspended the sentences of those KOREGA members convicted for the arson and ordered their release from prison. Moreover, the court did not charge Viliena in the proceedings, despite testimony that he ordered the arson.

- The Haitian judicial system waited three years before commencing the trial that the Haitian Court of Cassation had ordered in May 2012. Since 2014, the trial date has been postponed four times. These delays also constitute a violation of the defendants' rights, as they have been in pre-trial detention since 2012.
 - A public prosecutor misrepresented to U.N. officials that Viliena had been acquitted of the charges against him.
54. Haiti's failure to deal with these blatant human rights violations will compound the human rights and humanitarian crisis in Haiti. As documented in this Commission's 2005 report *Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community* and its follow-up report in 2007, the Commission continues to receive reports from Haiti about the abuse of force by police officers (2007 report para. 19), the pervasive absence of national security and order in the face of armed resistance and gangs (2005 report para. 84), and the shortcomings of the judiciary, including its lack of independence and inadequate security for judges to issue impartial and fair rulings (*Id.* at paras. 145-166). The judicial system is underfunded, inefficient, and corrupt (Haiti, Freedom House report, 2009). In addition, the Haitian Office of Citizen Protection, which has a mandate to respond to allegations of government abuse, is underfunded and unlikely to take action (*Id.*).
55. In the *Second Report on the Situation of Human Rights Defenders in the Americas*, the IACHR codifies States' affirmative obligations to prevent threats and harassment as well as groundless lawsuits and criminal investigations against human rights defenders, even those initiated by third parties (The Inter-American Commission on Human Rights, *Second Report on the Situation of Human Rights Defenders in the Americas*, (2011)). The Haitian government has an affirmative obligation to stop recent threats and protect Petitioners. Any government support for Viliena's and the KOREGA militia's flight from justice deters Petitioners' work as human rights defenders. As stated in *Fleury et al. v. Haiti* (Judgment of Nov. 23, 2011), the State is "obliged to provide effective judicial remedies to those who allege that they are victims of human rights violations" (para. 105). This includes an "obligation to investigate, prosecute and, as appropriate, punish human rights violations" (para. 106). The government of Haiti has not upheld these rights for Petitioners. Viliena was never charged in the arson proceedings, and he and twelve of his KOREGA supporters have now been omitted from the notice of the remanded trial for which he was initially indicted in 2010 (on charges of murder and attempted murder). The Commission should condemn the Haitian judicial system's practice of granting impunity to State agents.
56. The abuse of judicial power and violations of rights to judicial protection in this case are consistent with the findings of the IACHR and the Inter-American Court in the case of *Neptune v. Haiti* (Judgment of May 6, 2008). There, the Court and Commission found that Haiti violated Mr. Neptune's right to a fair trial and judicial protection based on, among other things, the delay of his trial of more than two years, the failure to provide a final judgment, and the inadequacy of the proceedings held in an incompetent court (paras. 80-84). The two-year delay in *Neptune* for judicial proceedings documents a similar pattern of abuse of judicial power and impunity for perpetrators of human rights violations to the detriment of victims and in favor of the government of Haiti.
57. This abuse is also consistent with the finding of the United Nations Human Rights Committee, which has expressed concern about the harassment and intimidation of Haitian human rights defenders and journalists and noted the failure of the government to protect their rights (*Comité des Droits de L'homme, Observations Finales Concernant Le Rapport Initial d'Haiti* (Octobre 30, 2014)). The Human Rights Committee has called upon the Haitian government to protect human rights defenders so that they can exercise their rights freely (*Id.* at para. 19).
58. As a result of the failure of the Haitian government and the Haitian judiciary to deal with the human rights violations from which Petitioners have suffered at the hands of Viliena and the KOREGA militia, Petitioners have had to retain counsel through the Clinic, BAI, and IIDH. These organizations recognize the serious situation and have determined that the only remaining course of action is to seek precautionary measures from the Commission.

59. A grant of precautionary measures in this case would ensure that Petitioners can enjoy their right to life and personal integrity. It would also be one step on the path to building the rule of law and respect for human rights in Haiti by taking a stand against police brutality, forcing Haiti to take public measures against armed groups like KOREGA who are disrupting national security, and signaling to the judiciary the need for a fair and swift trial in the impending case, which has dragged on since 2010.

iii. The Commission has previously held similar situations to satisfy the “serious situation” requirement

60. In Precautionary Measure 161/14 (June 9, 2014), the Commission granted precautionary measures to Pierre Esperance and members of the RNDDH in Haiti. The Commission held that the case was a “serious situation” because Esperance and RNDDH faced a series of threats and reprisals for their activities as human rights defenders (para. 2). These “serious” threats included, for example, an armed attack on Esperance, followed by a letter sent to his RNDDH office with a firearm inside (para. 4). It is worthwhile to note that these actions that were held to satisfy the “serious situation” requirement are less severe than the acts of outright murder and destruction of property evidenced in the current case.

61. In Precautionary Measure 363/12 (October 19, 2012), the Commission granted precautionary measures to Mario Joseph in Haiti. Mario Joseph is one of the lawyers from BAI representing Petitioners in this case. The Commission held that the case was a “serious situation” because Joseph alleged that he had been subject to threats and acts of harassment because of his activities in defending human rights and challenging government impunity through his leadership at the BAI. He received repeated death threats over the course of several months and had his place of business searched by State security agents without cause. Again, we note that in this case, the petitioner received threats, whereas the circumstances in Petitioners’ request for precautionary measures involve both past serious violations and ongoing, continuing threats to all three named Petitioners and their families, including threats to kill, severely injure, or cause irreparable financial injury if Petitioners or their families testify against Viliena and the KOREGA militia or otherwise contest their political clout.

62. In Precautionary Measure 304/13 (November 27, 2013), Patrice Florivilus and members of his organization were granted precautionary measures as a result of receiving threats, suffering persecution, and being subjected to a baseless criminal complaint for their human rights work (para. 6). The Commission in that case found that the seriousness requirement was met due to the “threats, acts of harassment, and persecution against the beneficiaries,” specifically finding that the threats were viewed as “serious” because they indicated that the perpetrators knew Florivilus’s home address, work address, and his normal route to work (para. 11).

63. In the present case, not only are there threats, but those threats have materialized in the form of murder, permanent injuries, and many burned homes. Moreover, Viliena knows the home and work addresses of Petitioners, given his connections to this small town and his status as the Interim Mayor of Les Irois. Thus, the seriousness of this case is equal to or surpasses the level of seriousness that the Commission has held to be sufficient to warrant a grant of precautionary measures in previous cases involving threats of abuse.

B. Urgent Situation

64. Under the Rules of Procedure, an “urgent situation” refers to “risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action” (Art. 25). The present case is an urgent situation because: (i) Viliena and the KOREGA militia will likely intensify threats and attacks on Petitioners over the coming weeks before and after the upcoming trial; and (ii) the Commission held similar situations to satisfy the “urgent situation” requirement.

i. Viliena and the KOREGA militia will likely intensify threats and attacks on Petitioners over the coming weeks because of the upcoming trial

65. Viliena and the KOREGA militia have been committing human rights violations against Petitioners for the past nine years. These violations are extremely likely to intensify over the coming weeks for two related

reasons. First, the new trial ordered in May 2012 by the Court of Cassation is scheduled for July 3, 2015. Second, according to local political commentators, Viliena will be participating in the upcoming elections.

66. Viliena's past actions demonstrate that this trial and these elections will be accompanied by violent threats and attacks against Petitioners. In the past, Viliena and his associates have threatened witnesses who testify to Haitian investigators. As mentioned in Section II.E, members of Viliena's KOREGA militia beat up and strangled Clorene François, a neighbor of the Boniface family, after she testified about the killing of Ecclesiaste Boniface.

67. Furthermore, Petitioners have heard from KOREGA members that the pending trial has been scheduled before elections in order to clear Viliena's name of wrongdoing. During Viliena's prior campaign for mayor in 2006, he intimidated and threatened adversaries. Given his prior violent campaign, the victims and other human rights defenders believe that Viliena's political campaign will result in increased threats and intimidation against them unless the Commission issues precautionary measures.

ii. The Commission has previously held similar situations to satisfy the "urgent situation" requirement

68. In Precautionary Measure No. 641-02 (July 18, 2014), a case from Colombia, the Commission held that the requirement of urgency was met given the "the ongoing nature and proximity in time of ... threats" (para. 13). In that case, the Commission looked to the "the contextual circumstances and ongoing history of risk" and determined that these factors suggested a need for protection to prevent possible harm to the rights of the individuals at risk. The Commission noted that it was appropriate to take into account the fact that the petitioners had filed complaints with no results (para. 13).

69. In Precautionary Measure No. 252-141 (July 18, 2014), the Commission issued precautionary measures against Mexico for journalists who faced threats of harassment and damage to property after publishing articles related to corruption cases, abuse of power, and human rights violations by state officials. The Commission found urgency in the fact that the petitioners had "been facing a history of violence and that the purported attackers [knew] their private addresses" (para. 9). The Commission stated that "the continuity and proximity of the situations of risk ... determine the necessity of immediate protection" (para. 9).

70. In Precautionary Measure No. 218-14 (June 20, 2014), the Commission issued precautionary measures against Colombia in support of Y.C.G.M. and her immediate family, who were attacked because of her work as a human rights defender. In determining whether the urgency requirement had been met, the Commission took into account the fact that the acts of violence against Y.C.G.M. and her family "increased continuously over time, without being provided effective protection" (para. 10). Although the state provided some protective measures, the Commission did not consider them adequate to mitigate the risk, given that "the different risk situations have not been sufficiently investigated, which allegedly allowed the risk factors to remain active to date" and allowed the petitioner to remain in a "defenseless situation" (para. 10).

71. In the present case, there is a history and ongoing risk of threats and attacks. Moreover, there is strong reason to believe that these threats and attacks will intensify over the coming weeks, particularly since the Haitian government has not afforded Petitioners any significant protective measures. Consequently, the Commission should also find that the facts in this case meet the requirement of urgency.

C. Very High Risk of Irreparable Harm

72. Under the Rules of Procedure, "irreparable harm" refers to "injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation" (Art. 25, IACHR Rules of Procedure). The present case presents a very high risk of irreparable harm because: (i) Viliena and the KOREGA militia will continue to harm Petitioners; (ii) Viliena and the KOREGA militia's attacks will irreparably harm Petitioners; and (iii) failing to hold Viliena and the KOREGA militia accountable will irreparably harm the community.

i. Viliena and the KOREGA militia will continue to harm Petitioners

73. Current circumstances in Les Irois closely resemble those that prevailed during previous threats and attacks by Viliena and the KOREGA militia. As Interim Mayor, Viliena continues to exercise the function of Mayor of Les Irois and continues to head the Les Irois branch of KOREGA. The Les Irois community remains fearful of retaliation should anyone defy the interests of KOREGA. Viliena and KOREGA have demonstrated their willingness and ability to cavalierly violate the Convention with impunity. Conditions have not significantly changed since the previous abuses occurred, and the risk of future irreparable harm remains extremely high.
74. In addition, as mentioned in Section III.B, two events that sparked previous attacks—elections and a trial of those involved in the violations of Petitioners’ rights—will soon occur again. With these two events approaching and the stakes for Viliena unchanged, he is likely to resort to the same tactics that previously allowed him to abuse Petitioners’ rights with impunity and to win political support: threats, attacks, and murder.
75. Finally, Haitian authorities have been either unwilling or unable to prevent the threats and attacks in every instance, despite the named Petitioners’ sustained efforts to vindicate their basic rights. Notably, in a December 2011 incident report (exhibit A-3), Judge Agnel Romeus of the Les Irois Tribunal de Paix solemnly acknowledged the court’s inability to protect the named plaintiffs from harm, declaring that the court “urges the Haitian authorities and international organizations to please lend their support to the families (ISEME- MARTHYR AND BONIFACE)[;] they are truly in need of assistance.”

ii. Viliena and the KOREGA militia’s attacks will irreparably harm Petitioners

76. Viliena’s and the KOREGA militia’s attacks have repeatedly inflicted irreparable harm on individuals. Not only was David Boniface’s brother, Eclesiaste, murdered, but his mangled body was left lying in the street for all who passed to witness. Nissage Martyr not only had one leg amputated, but also lost his home to arson following a subsequent encounter with Viliena and his militia. And Juders Ysemé not only became permanently blind in one eye, but also lost his home to an arson attack. In addition, Viliena’s KOREGA militia burned 34 other homes—along with irreplaceable personal belongings—to the ground. There is no reason to believe that Viliena and his militia will not inflict further irreparable harm on Petitioners.
77. On the contrary, as already described (*see* Section II.F, *supra*), Viliena’s supporters very recently expressed that they have every intention of continuing to escalate their reprisals against Petitioners. After one co-defendant died in prison, they made threats against each of the Petitioners near their homes. These threats forced all three Petitioners into hiding. Armed men have also intruded into Petitioners’ and their family members’ schools, churches, and workplaces, forcing them to abandon those as well.

iii. Failing to hold Viliena and the KOREGA militia accountable will irreparably harm the community

78. Failing to hold Viliena and the KOREGA militia accountable for their violations will also inflict irreparable harm on the community. For example, Viliena’s attack on the radio station is likely to make community members reluctant to express political opinions. The atrocities committed by burning down 36 homes in Les Irois, rendering over 300 people homeless, and attacking political opponents in the streets also discourage public opposition to Viliena. This chilling effect will endure for a long time if Viliena is not held accountable for his actions.
79. Furthermore, if Viliena is not included as a defendant in the upcoming trial, the opportunity to bring him to justice might be gone forever. If any verdict is reached in the upcoming trial, the principle of *res judicata* could be invoked to block any further judicial proceedings to hold Viliena accountable. Thus, Haiti must ensure that all persons responsible for the past violations—including Viliena himself—are added as defendants for the upcoming trial.

80. If the Haitian government and judiciary fail to protect Petitioners, including those who have worked courageously as human rights defenders, it will reinforce the fear of retaliation and intimidation that makes it difficult for Haitians to stand up against the abusive practices and policies of violent politicians.
81. The upcoming trial is the only avenue that remains for protecting Petitioners' rights through the Haitian judicial system and for ensuring justice for Petitioners. Because there is no apparent valid legal reason for not including the other 13 defendants, including Viliena, in the case, these defendants must be reinstated for the trial. Failing to do so will leave them in power in Les Irois and allow them to continue threatening and attacking Petitioners and perpetrating human rights violations against members of the community with complete impunity.

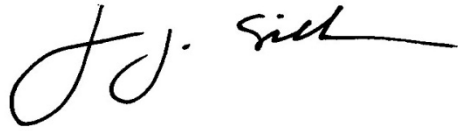
IV. PRAYER FOR RELIEF

82. The principal way to provide Petitioners with protection from future human rights violations is to reinstate Viliena and those members of the KOREGA militia responsible for the previous attacks as defendants in the upcoming trial and to detain them during this pre-trial period. Otherwise, they will continue to threaten and attack Petitioners, their lawyers, the judges, and the witnesses in the upcoming trial, as well as their families
83. In light of the foregoing, the Clinic, BAI, and IJDH respectfully request that the Commission order the Haitian government to:
- Adopt the measures necessary to protect the lives and physical integrity of Petitioners, the lawyers, the judges, and the witnesses of the upcoming criminal trial against members of the KOREGA militia, as well as their families. Since Viliena continues to govern Les Irois with impunity, such protection, at a minimum, must include:
 - the reinstatement of the 13 defendants (including Viliena) who were indicted in 2010 but who are omitted from the May 2014 notice of the upcoming criminal trial so that their actions can be publicly tried according to law;
 - the immediate pre-trial detention of all of the remaining 13 defendants (still living) of the 18 who were indicted in 2010 and not imprisoned (5 of the 18 are currently imprisoned); and
 - all necessary measures, after the judge reaches a decision, to prevent Petitioners from suffering reprisals at the hands of any of the defendants, whether or not the defendants remain detained, and whether or not the defendants act through third parties.
 - Adopt all measures necessary to ensure that the Petitioners can participate in activities as human rights defenders, without being subject to acts of violence and harassment in the exercise of their work.
 - Come to an agreement through a process of dialogue and discussion with the beneficiaries and their representatives on actions to be taken to implement these measures.
 - Report on the actions taken to implement these measures, and to investigate the alleged incidents that gave rise to the adoption of these precautionary measures so that such incidents do not happen again.

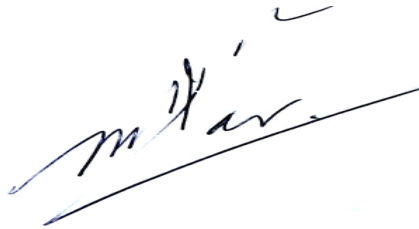
V. CONCLUSION

We respectfully request that the Commission issue urgent precautionary measures to protect Petitioners David Boniface, Nissage Martyr, Juders Ysemé, and immediate family members, and to guarantee the effective enjoyment of his rights and ensure the continuity of their work as human rights defenders.

Dated: July 2, 2015

A handwritten signature in black ink, appearing to read "J.J. Silk". The signature is fluid and cursive, with a long horizontal stroke at the end.

James Silk
Clinical Professor of Law, Allard K. Lowenstein International Human Rights Clinic
Director, Orville H. Schell, Jr. Center for International Human Rights
Yale Law School

A handwritten signature in black ink, appearing to read "m. j. av.". The signature is cursive and slanted downwards.

Mario Joseph, Av
Bureau des Avocats Internationaux (BAI)

A handwritten signature in black ink, appearing to read "nicole phillips". The signature is cursive and somewhat slanted.

Nicole Phillips, Esq.
Institute for Justice & Democracy in Haiti