

URGENT ACTION

UNLAWFULLY DETAINED MIGRANT DEPORTED

Jean Marie Justilien, a Haitian national, was shot in the back of the neck during an immigration raid in June 2015, and detained and charged with illegal entry into the Bahamas. On 2 December he was found not guilty, but was transferred to Carmichael Road Immigration Detention Centre where he remains deprived of his liberty. He was deported to Haiti on 7 December.

Jean Marie Justilien, a Haitian national, was arrested in June 2015 during an immigration raid on Eleuthera Island, the Bahamas. During the raid he was shot from behind, allegedly by an immigration official. An official medical report states he was shot in the back of the neck with an exit wound to the left cheek, and suffered various other injuries to his legs and elbow. According to media reports, authorities alleged Jean Marie Justilien attempted to disarm an officer, however, no such charges were brought against him. The Grand Bahama Human Rights Association (GBHRA) publicly called for an independent investigation into the shooting. To date no independent investigation has been conducted, but Jean Marie Justilien's lawyers have sued for assault and battery.

Jean Marie Justilien was charged with irregularly landing in the Bahamas, contrary to sections 19 (1) and (2) of the Immigration Act. He was denied bail and held in Fox Hill Prison for over five months. His lawyers say he was held in maximum security in a cramped cell with convicted prisoners. Jean Marie Justilien was tried in a Magistrates Court on 27 November and on 1 December, the magistrate acquitted, discharged and ordered his release.

Despite being found not guilty of entering the Bahamas irregularly, the immigration authorities argued they were unable to "process" Jean Marie Justilien's case and release him, and he was transferred to Carmichael Road Detention Centre.

According to the Grand Bahama Human Rights Association Jean Marie Justilien was deported to Haiti on 7 December. His lawyers say they never received a copy of the order to transfer Jean Marie Justilien to immigration detention, or a copy of the deportation order.

No further action is requested of the UA network. Amnesty International will continue to monitor this case and will request further action as necessary. Many thanks to all who sent appeals.

This is the first update of UA 276/15. Further information: www.amnesty.org/en/documents/amr14/3004/2015/en/

Name: Jean Marie Justilien
Gender m/f: male

Further information on UA: 276/15 Index: AMR 14/3068/2015 Issue Date: 11 December 2015

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