

URGENT ACTION

UNLAWFULLY DETAINED MIGRANT AT RISK

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 is at risk of ill-treatment and needs urgent medical attention.

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" his case and release him as they were not aware of his immigration status. His lawyers filed a habeas corpus writ seeking his immediate release, but this will not be considered by a judge until 10 December.

Jean Marie Justilien's lawyers fear he will be ill-treated at Carmichael Road Detention Centre and say he is at risk of reprisals from the immigration officers involved in his shooting. His lawyers made numerous requests to allow an independent doctor to visit Jean Marie Justilien when he was detained in prison. They say he has not received proper medical care, has lost weight, and is still in significant pain from the injuries sustained during the raid.

Please write immediately in English or your own language:

- Calling on the authorities to immediately release Jean Marie Justilien from detention, as he was acquitted by the Magistrates Court for irregular entry;
- Calling on them to ensure Jean Marie Justilien is not subject to torture or other ill-treatment, and to allow him immediate access to an independent doctor of his choosing;
- Urging them to promptly and independently investigate Jean Marie Justilien's shooting during the raid that led to his charging and detention, and, if evidence is collected of a human rights violation, to bring those responsible to justice in fair trials before ordinary civilian courts.

PLEASE SEND APPEALS BEFORE 15 JANUARY 2016 TO:

Prime Minister and Minister of Finance
The Rt. Hon. Perry Gladstone Christie
Office of the Prime Minister
Sir Cecil Wallace Whitfield Centre
PO Box CB 10980, Bahamas
Email: primeminister@bahamas.gov.bs

Salutation: Dear Prime Minister

Minister of Foreign Affairs and Immigration
The Hon. Frederik A. Mitchell
Ministry of Foreign Affairs and Immigration
Goodmans Bay Corporate Centre
West Bay St, P.O. Box N3746, Bahamas
Twitter: @MOFABahamas
Email: mofabahamas@bahamas.gov.bs
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Various UN bodies, including the Office of the High Commissioner for Human Rights (OHCHR) as well as the Special Rapporteur on the human rights of migrants have opposed the treatment of irregular entry and/or stay in a country as a criminal offence, stating that irregular migration should be treated as an administrative offence.

In September 2014 the Bahamian Minister of Foreign Affairs and Immigration announced upcoming immigration reforms. In May 2015 the Immigration (Amendment) Act was passed.

In a public statement published on 17 November 2014, Amnesty International expressed concern that the full text of the new policy announced in September had yet to be made public while parts of it were already implemented beginning 1 November 2014.

Bahamian human rights organizations have reported that the implementation of the reform of the immigration policy has fueled a climate of xenophobia in the country, and led to arrests, detentions and subsequent deportations of alleged undocumented migrants, through arbitrary round-up disproportionately affects Bahamians of Haitian descent and Haitians.

In February 2015, the Inter-American Commission on Human Rights granted precautionary measures for detainees at the Carmichael Road Immigration Detention Centre believed to be at risk of inhuman conditions, overcrowding and lack of appropriate medical attention.

In March 2015, Amnesty International sent a communication to the Bahamian authorities requesting detailed information about the current migration reforms amid allegations that these might be leading to human rights violations and enhancing discrimination in the country. To date, the organization has not received a response to its letters.

In October 2015 a settlement of over 200 people, mostly Bahamians of Haitian descent and Haitian migrants, was removed by the Department of Environment and Health Services and the Department of Immigration, in a potential forced eviction. The local media reported that women and children were left stranded outside their demolished homes with their belongings lined up along the roadside. Amnesty International wrote to the authorities to enquire about the steps taken to implement the evictions, but has not received a response.

In a recent Supreme Court ruling, the Bahamas government was ordered to open its files on the controversial immigration policy implemented from 1 November 2015, in a decision human rights organizations called a victory for transparency and accountability. The government has yet to disclose its files.

Name: Jean Marie Justilien
Gender m/f: male

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