

PUBLIC

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UA 345/08 Fear for safety /death threats / possible prisoner of conscience

HAITI Joseph Guyler Delva (m), journalist

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Joseph Guyler Delva has been receiving death threats which he believes to be related to both his involvement in an investigation into the murder of Haitian journalist Jean Dominique and his reporting on the controversial election of a former Haitian senator. Amnesty International is extremely concerned for his safety.

In 2007, Joseph Guyler Delva wrote an article in which he revealed that a member of the Haitian senate was born in the USA and had American nationality. The Constitution of Haiti does not permit dual Haitian and foreign nationality and forbids non-natives to run for presidential, senatorial or parliamentary elections. As a result the Senator was dismissed from Haiti's Senate in March 2008 and fled the country shortly afterwards.

On 15 December 2008, Joseph Gulyer Delva reported that "...since I last year published documented information about the Senator's U.S. citizenship, I've been on and off the object of death threats." "I have been receiving over the past 3 weeks death threats from unknown individuals speaking in Haitian Creole. Two of the anonymous calls mentioned the name of [the Senator]. One said: "If I were you, I would stop mentioning the name of [the Senator], because there are people who can shut your big mouth." Another one said: "You set yourself against the Senator? You may persist in doing that! Then we will bring you down like a mango (In Creole that means they would shoot you dead)."

Joseph Guyler Delva is Secretary General of SOS Journalists and president of the Independent Commission to Support Investigations into the Murders of Journalists (Commission indépendante d'appui aux enquêtes relatives aux assassinats des journalistes, CIAPEAJ). In this role he had also criticized the former Senator for his failure to respond to repetitive summons by the judges investigating the murder of radio station owner and journalist Jean Dominique who was shot dead on 3 April 2000.

Joseph Guyler Delva criticism prompted the Senator to launch a lawsuit for defamation against him. On 12 December 2008, Joseph Guyler Delva was sentenced by a Haitian court to one month imprisonment for defamation and public insults against the Senator. Neither he nor his lawyer was present at the trial as it had been postponed on several occasions.

Joseph Guyler Delva will appeal against his conviction and sentence. He is free at present pending his appeal. If he were to be detained, Amnesty International would consider him a prisoner of conscience, imprisoned solely for exercising his right to freedom of expression.

## BACKGROUND INFORMATION

Defamation is a criminal offence in Haiti. International human rights organizations, including the Inter-American Commission on Human Rights, have repeatedly called for defamation legislation to be reformed in order to make it a civil offence.

The CIAPEAJ was created in August 2007 to monitor investigations into the murders of nine journalists since 2000: Jean Léopold Dominique, Gérard Denoze, Brignol Lindor, Ricardo Ortega, Abdias Jean, Robenson

Laraque, Jacques Roche, Jean-Rémy Badiou and Alix Joseph. With the exception of the case of Jacques Roche and Brignol Lindor, the other cases remain shrouded in impunity.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French or your own language:**

- calling on the authorities to take action, in accordance with his own wishes, to ensure the safety of Joseph Guyler Delva;
- calling for a thorough and impartial investigation into the threats received by Joseph Guyler Delva, with those responsible brought to justice;
- expressing concern that Joseph Guyler Delva has been sentenced to prison terms solely for exercising his right to freedom of expression, and requesting all proceedings be conducted in strict accordance with international fair trial standards.

**APPEALS TO:**

**President**

S.E. René García Prével  
Président de la République d'Haïti,  
Palais National, Champ de Mars, Port-au-Prince, HAITI (W.I)

**Fax: +509 2228 2244**

**Salutation: Monsieur le Président/Dear President Prével**

**Minister of Justice and Public Security**

Monsieur Jean Joseph Exumé  
Ministre de la Justice et de la Sécurité Publique  
19 Avenue Charles Sumner, Port-au-Prince, HAITI (W.I.)

**Fax: +509 2245 0474** (Request the fax line : La ligne de fax s'il-vous-plaît)

**Salutation: Monsieur le Ministre/Dear Minister**

**General Director of the Haitian National Police**

Monsieur Mario Andresol  
Directeur Général de la Police Nationale d'Haïti  
Grand Quartier Général de la Police  
12 rue Oscar Pacot, Port-au-Prince, Haiti (W.I.)

**Fax: +509 2245 7374**

**Salutation: Monsieur le Directeur Général/Dear Mr Andresol**

**COPIES TO:**

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76 Route du Canapé Vert (en face de l'hôpital)  
Port-au-Prince  
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and to diplomatic representatives of Haiti accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 29 January 2009.