

REPORT ON THE TORTURE AND MURDER OF SERGE DÉMOSTHÈNE

EXECUTIVE SUMMARY

In the morning of June 15, 2011, Serge Démosthène was arrested along with Feckel Plaisimond by police from the Petitionville *Commissariat*. 12 hours later he was taken unconscious to the general hospital in Port-au-Prince and pronounced dead on arrival. The Human Rights Section of MINUSTAH conducted a thorough investigation into the circumstances of the death of Serge Demosthenes. The results of this investigation are presented in this report, as well as the findings and recommendations for the Haitian authorities. The findings question the Haitian authorities' compliance with the right to life, the right to be free from torture, and norms governing arrest, as well as respect for judicial independence.

Serge Démosthène and Feckel Plaisimond were allegedly tortured in the Petionville *Commissariat* in order to make them confess their guilt in the alleged killing of Guiteau Toussaint, director of the Banque Nationale de Credit, June 12, 2011. Serge Démosthène died as a result of the torture. Feckel Plaisimond was released after several months of detention.

The report highlights the involvement of the *Commissaire* and police officers based in the Petionville *Commissariat*, as well as the then public prosecutor of Port-au-Prince. The report also finds that the investigation of the internal affairs, Inspectorate General of the Haitian National Police (HNP), into the death of Serge Demosthenes has caused tension with the leadership, the Directorate General of the HNP, which raises the question of the independence of the Inspectorate General. Finally, the report highlights questions about judicial independence during this investigation.

Among its recommendations, the Human Rights Section of MINUSTAH, urges an independent judicial investigation be undertaken, which results in the prosecution of those responsible for the torture and killing of Serge Démosthène.