

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **Haiti: Duvalier case back on course towards justice for the victims**

The decision of a Haitian court to allow investigations to continue into crimes against humanity committed during the rule of “president-for-life” Jean-Claude Duvalier is a major boost for the victims in their long quest for truth and justice, Amnesty International said.

“This much-needed green light to continue the investigations is a victory for the victims of torture, enforced disappearances and other human rights violations committed under the rule of Duvalier and their relatives,” said Javier Zúñiga, Special Advisor for Amnesty International.

“It also bolsters hopes for a new Haiti, founded upon the rule of law and equality of justice for all.”

The Court of Appeal in the capital Port-au-Prince on Thursday reversed a January 2012 ruling by an investigative judge. The earlier decision stated that Duvalier could not be charged with crimes against humanity filed by victims of alleged forced disappearances and torture during his rule from 1971-1986 because the time for the prosecution of those offences had elapsed.

But the Court of Appeal has now ruled there is “substantial evidence” (“*sérieux indices*”) pointing to the indirect involvement and alleged criminal responsibility of Jean-Claude Duvalier for the alleged human rights violations during his presidency.

The Court has appointed one of its sitting judges to further investigate the allegations, who has apparently been tasked with obtaining new testimony from victims who did not have the chance to testify during last year’s appeals hearings.

“The Court of Appeal has correctly ruled that there can be no statute of limitations for crimes against humanity, and this is a major step forward for the Haitian justice system,” said Javier Zúñiga.

“The attempt to derail justice has been stopped and victims of Duvalier’s rule can now continue with their quest for truth and reparation,” he added.

Although victims appealed against the 2012 ruling and Jean-Claude Duvalier himself appeared before the court last year, the judicial process had been stalled since last May.

To add insult to injury, the former president continues to take part in public events, often at the invitation of the Haitian government. The most recent example was a state ceremony to commemorate the country’s independence at the beginning of this year.

Amnesty International and other human rights organizations denounced last January that the lack of political will and unacceptable court delays were allowing Jean-Claude Duvalier to escape justice.

“Despite attempts by the Haitian executive to rehabilitate Duvalier, this latest court decision gives victims and their relatives fresh hope of achieving justice in their own country and sends a clear message that no one in Haiti is above the law,” said Zúñiga.

### **Background information**

The Haitian authorities re-opened a criminal case against the former head of state Jean-Claude Duvalier shortly after he returned to the country on 16 January 2011, following a 25-year exile in

France. He faced charges of serious human rights violations such as murder and torture of political opponents, and of corruption.

In January 2012, an investigating judge ruled that Duvalier should stand trial before a lower court for misappropriation of public funds, but that the statute of limitations had expired on the human rights crimes he was accused of. Both the victims of human rights violations and Duvalier appealed the decision. The appeal began on 13 December 2012.

Duvalier appeared before the Court of Appeal in Port-au-Prince on 28 February 2013, for the first time giving public testimony related to alleged crimes during his rule.

Between March and May 2013, eight victims gave testimony in court. Testimony concluded in May, and the Court of Appeal's decision had been pending ever since.

Duvalier, also known as "Baby Doc," inherited power from his father, François Duvalier, and ruled Haiti from 1971 to 1986. During his rule, Haitian life was marked by systematic human rights violations.

Hundreds of political prisoners died from mistreatment or were victims of extrajudicial killings. Duvalier's government repeatedly closed independent newspapers and radio stations. Journalists were beaten, in some cases tortured, jailed, and forced to leave the country.

He is also alleged to have embezzled hundreds of millions of dollars during his presidency.

An Amnesty International report, [\*You Cannot Kill the Truth: The Case Against Jean-Claude Duvalier\*](#), revisits the organization's previous research on widespread as well as systematic human rights abuses committed in Haiti in the 1970s and 1980s.