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Haiti: Jean-Claude Duvalier's presence in Court brings hope to victims

The presence of former Haitian “president for life” Jean-Claude Duvalier in court yesterday on charges relating to human rights abuses brings a glimmer of hope for the families of those subjected to extrajudicial executions and enforced disappearances and the survivors of torture during Duvalier’s years in power, said Amnesty International.

The hearing was suspended after five hours and will be continued on Thursday 7 March.

The Court of Appeal did not make a decision on whether to try Duvalier for serious human rights violations.

“The fact that Duvalier was actually present this time gives some hope of the capacity of the Haitian justice system to deal with sensitive cases,” said Javier Zúñiga, special adviser for Amnesty International. “However, the road to justice is a long one.”

On 21 February – when Duvalier failed to show up to court for the third time - the Court of Appeal asked the Public Prosecutor to bring the former leader in for the next hearing under the threat of being imprisoned if he failed to appear again.

As a result, Duvalier finally appeared in court and found himself face-to-face with the claimants -families of victims of extrajudicial executions and enforced disappearances and the survivors of torture committed during his time in power.

For the first time the former Haitian President had to answer questions from the Court and from the claimants’ lawyers.

“It is now essential that the Court hears the testimonies of the victims and examines the huge amount of compelling evidence that has been gathered,” said Zúñiga.

Yesterday’s hearing was due to examine an appeal brought by victims of human rights violations against the January 2012 decision by an investigative judge not to put Duvalier on trial for violations of human rights so serious they amount to crimes against humanity – including torture, killings and disappearances committed during his time in office.

The judge considered then that Duvalier should be judged only for embezzlement of public funds, on the basis that the crimes against humanity for which he was accused had expired under Haitian law.

But there can be no time limit under international law on bringing such charges. Haiti’s constitution recognizes that international law has supremacy over national law.

According to international human rights standards, crimes including torture, executions, arbitrary detention and enforced disappearances are not subject to a statute of limitations.

“What we would like to see is that Jean-Claude Duvalier is held accountable for these horrendous crimes which amount to crimes against humanity which were committed under his regime, while ensuring his right to receive a fair trial is respected,” said Zúñiga.