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Haiti: Dropping Jean-Claude Duvalier case ‘a disgrace’

Haiti’s judicial authorities have dealt yet another blow to the victims of former leader Jean-Claude Duvalier, Amnesty International said today after the criminal case against the former “president-for-life” for grave human rights violations was dropped.

An investigating judge in Port-au-Prince yesterday announced that Jean-Claude “Baby Doc” Duvalier will not stand trial for alleged crimes against humanity – including torture, disappearances and extrajudicial executions – but only for embezzlement of public funds committed during his rule between 1971 and 1986. The text of the judge’s decision has not been made public.

Jean-Claude Duvalier has been under investigation in Haiti since he returned from exile in France in January 2011, after a group of victims filed complaints accusing him of crimes against humanity as well as corruption and theft.

The victims can appeal the judge’s decision and Amnesty International has vowed to continue supporting their search for justice.

“The conclusion of the sham investigation into Duvalier is a disgrace and will further entrench impunity in Haiti. No serious effort was made to determine the truth despite the multiple complaints and abundant evidence about the crimes committed and the victims,” said Javier Zúñiga, Special Adviser at Amnesty International who researched the crimes of Jean-Claude Duvalier in the 1980s.

“The handful of victims that have been interviewed had been subjected to intimidation by Duvalier supporters and his lawyers. It is clear that the investigating judge left out invaluable evidence and decided not to interview all the victims that filed complaints. This is a dark day for Haiti and for justice.”

“Duvalier benefited from a safe haven in France for 25 years until he returned to Haiti, where the authorities have failed to hold him to account for the crimes under international law perpetrated by his subordinates while he was in power.”

In January 2011, Amnesty International submitted extensive documentation on the grave human rights violations committed under Duvalier, none of which was considered by the magistrate.

Under international law, torture, enforced disappearances, extrajudicial executions and arbitrary arrests are considered crimes against humanity when committed as part of a systematic or widespread attack against civilian population.

No statute of limitations may apply to crimes against humanity and the alleged perpetrators cannot benefit from amnesties, even in the case of former heads of state.

Amnesty International has expressed concern that the current Haitian government lacks the will to bring Duvalier to justice.

“Recent public statements from President Martelly hinted at pardoning Duvalier. This could amount to unacceptable pressure and interference with the investigation. Inviting Jean-Claude Duvalier to take part in public official ceremonies clearly showed that the government wanted to rehabilitate Duvalier instead of holding him to account,” said Javier Zúñiga.

“Haiti has failed to live up to its international obligations to investigate all allegations of crimes against humanity and bring their perpetrators to justice. Victims have been awaiting justice for more than 25 years, and today’s decision is a major setback to them and all Haitians. But this is not the end of the road – we will continue to support the victims at the appeal stage and in international instances if necessary.”