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Haiti: Force Jean-Claude Duvalier to face court hearing or arrest him

Former President Jean-Claude Duvalier must either face a court hearing over charges of human rights abuses or be arrested, Amnesty International said amid fears he may flee the country using a newly-granted diplomatic passport.

On Thursday Duvalier- also known as “Baby Doc”- refused for the third time, to face court. The judge of the Court of Appeal has rescheduled for 28 February and instructed the Public Prosecutor to bring him to that hearing.

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.

“Jean-Claude Duvalier cannot be beyond the reach of justice,” said Béatrice Vaugrante, an Amnesty International delegate who was present at the hearing.

“The authorities in Haiti have the duty to do all they can to ensure he faces the courts for the systematic abuses that took place during his time in office. If he continues to avoid the hearing, he must be arrested.”

Duvalier’s lawyers tried to further delay the proceedings in the Court of Appeal by reportedly appealing last Monday to the Supreme Court (Cour de Cassation) against the Court of Appeal’s decision on 7 February to recognize the plaintiffs as civil parties. However, the Court of Appeal refused to suspend the proceeding.

“The Court of Appeal has taken a very important step by ignoring Duvalier’s lawyers delaying tactics and by issuing a summons for Duvalier to appear in Court next week. It is now the obligation of the Public Prosecutor to execute this warrant and the duty of all Haitian authorities to ensure that the victims’ appeal is finally heard,” said Vaugrante.

“As the Public Prosecutor’s Office falls under the executive, there are risks that the court’s warrant might not be implemented.”

Besides the delays and the lack of independence of the Public Prosecutor’s office, Amnesty International is concerned that the Court of Appeal does not seem to be in possession of the complete file which had been previously in the hands of the investigative judge.

It is also extremely worrying that the families of victims of extrajudicial executions and enforced disappearances and the survivors of torture committed during Duvalier’s time in power have not yet had a chance to be heard by the Court of Appeal.

“The testimonies of the victims and their families are extremely powerful and compelling. It is essential that all the evidence which has been gathered is made available to the Court and that the voices of the victims are heard,” said Vaugrante.

Jean-Claude Duvalier returned to Haiti after 25 years exile in France in January 2011. He was then indicted by the then Haitian authorities for embezzlement and theft of public funds during his presidency and, later, for crimes against humanity – including torture, executions, arbitrary detention and enforced disappearances carried out between 1971 and 1986.

In January 2012, the judge assigned to the case decided to try the former leader only for embezzlement of public funds, on the spurious basis that the crimes against humanity for which he was accused had expired under a statute of limitations in Haitian law.