



Institute for Justice & Democracy in Haiti
Bureau des Avocats Internationaux

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Human Rights Groups Welcome Calls for Truth Commission to Support the Prosecution of Jean-Claude Duvalier

July 11, 2011-Port-au-Prince and Boston- The *Bureau des Avocats Internationaux* (BAI) and the Institute for Justice & Democracy in Haiti (IJDH) welcome the UN Deputy High Commissioner on Human Rights' call for a truth commission to support the ongoing prosecutions of human rights abuses committed under the regime of former dictator Jean-Claude Duvalier. At the same time, BAI and IJDH express their concern that establishing a commission with a mandate that goes beyond investigating the crimes by Mr. Duvalier and his accomplices would dilute its ability to contribute to justice for victims of the Duvalier dictatorship.

Haitian law, which includes the international human rights treaties Haiti is party to, requires the investigation and prosecution of the grave human rights violations extensively documented under Mr. Duvalier's reign without regard to when they occurred. In order to help Haiti fulfill this obligation, the Office of the High Commissioner for Human Rights should continue to ensure that sufficient resources are devoted to building the capacity of the Haitian judiciary to conduct the prosecution, along with a truth commission.

"A truth commission that serves to encourage more victims of the Duvalier regime to testify and file complaints will help to combat impunity and strengthen the rule of law in Haiti," expressed BAI Managing Attorney, Mario Joseph. While there were tens of thousands of victims of grave human rights abuses committed by the Duvalier regime, only 20 have come forward so far to lodge their criminal complaints against Mr. Duvalier. According to Joseph, "A space for many more victims to tell their stories and uncover a more complete picture of how widespread and systematic the abuses were will help to ensure the effective and fair prosecution of the regime's crimes against humanity as mandated by international law."

"Haiti benefitted from this dual approach – a truth commission combined with prosecution – in response to the crimes committed by the 1991-1994 *de facto* regime," explained IJDH Director Brian Concannon. "The work of the National Truth and Justice Commission ultimately supported the successful prosecution of the Raboteau Massacre." The Raboteau prosecution resulted in the conviction of 53 former soldiers and paramilitaries, including the entire military high command and the heads of the paramilitary FRAPH (*Front Révolutionnaire pour l'Avancement et le Progrès Haïtiens*), and awarded victims with a total of US \$140 million in damages. The National Truth and Justice Commission, whose mandate was to establish the truth about human rights violations during the coup period "without prejudice to judicial remedies that might arise from such violations", helped the Raboteau trial through its analysis of patterns of abuses and forensic investigation of the massacre.

While the Raboteau proceeding followed the conclusion of the National Truth and Justice Commission's investigation, it is not unprecedented for truth commissions to operate concurrently with judicial proceedings, as was done, albeit imperfectly, in East Timor and Germany. A truth commission for the Duvalier dictatorship's crimes should also operate concurrently with prosecution and consider the lessons learned from these and other countries, such as the need for a clearly defined mandate for the commission and strong coordination between the commission and judicial proceedings. And unlike the practices of some other truth commissions, Haitian law would not allow the option of amnesty.